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सं० 51] नई दिल्ली, शनिवार, दिसम्बर 20, 1980/अग्राहायण 29, 1902
No. 51] NEW DELHI, SATURDAY, DECEMBER 20, 1980/AGRAHAYANA 29, 1902

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

आदेश

नई दिल्ली, 4 दिसम्बर, 1980

स्टाम्प

का. आ. 3562.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है जो मैसूर शक्ति निगम द्वारा 1980 में जारी किये गये 18.15 करोड़ रुपये मूल्य के ऋण-पत्रों पर उक्त अधिनियम के अंतर्गत प्रभाय है।

[सं. 22/80-स्टाम्प—फा. सं. 33/37/80-वि. क.]

MINISTRY OF FINANCE
(Department of Revenue)

ORDER

New Delhi, the 4th December, 1980

STAMPS

S.O. 3562.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the debentures to the value of Rs. 18.15 crores rupees, floated by the Mysore Power Corporation during 1980 are chargeable under the said Act.

[No. 22/80 Stamps—F. N. 33/37/80-ST]

1018 GI/80—1

का. आ. 3563.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस शुल्क को माफ करती है, जो महाराष्ट्र आवास तथा क्षेत्र विकास प्राधिकरण, बम्बई द्वारा 1980-81 में जारी किये जाने वाले एक करोड़ दस लाख रुपये मूल्य के ऋण पत्रों पर, उक्त अधिनियम के अन्तर्गत प्रभाय है।

[सं. 23/80-स्टाम्प—फा. सं. 33/39/80-वि. क.]

जी. एस. मेहरा, अवर सचिव

S.O. 3563.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899) the Central Government hereby remits the duty with which the debentures to the value of one crore and ten lakhs of rupees, to be issued during 1980-81 by the Maharashtra Housing and Area Development Authority, Bombay are chargeable under the said Act.

[No. 23/80-Stamps—F. No. 33/39/80-ST]
G. S. MEHRA, Under Secy.

आर्थिक कार्य विभाग
(बैंकिंग प्रभाग)

नई दिल्ली, 21 नवम्बर, 1980

का. आ. 3564.—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 21 की उपधारा (2) के अन्सरण में, केन्द्रीय सरकार, भारतीय औद्योगिक वित्त निगम के निदेशक मंडल की सिफारिश पर, उक्त निगम द्वारा 10 दिसम्बर,

(4361)

1980 को जारी किए जाने वाले और 10 दिसम्बर, 1982 को परिपक्व होने वाले बांडों पर दी जाने वाली व्याज की दर एतद्-द्वारा 0¾ प्रतिशत (पाँच प्रतिशत) वार्षिक निर्धारित करती है।

[सं. फा. 2(52)-आई. एफ.-1/80]

(Department of Economic Affairs)

BANKING DIVISION

New Delhi, the 21st November, 1980

S.O. 3564.—In pursuance of sub-section (2) of section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government on the recommendation of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 6-3/4 (six and threefourth per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation on 10th December, 1980 and maturing on 10th December, 1992.

[No. F. 2(52)IF.I/80]

नई दिल्ली, 3 दिसम्बर, 1980

का. आ. 3565.—औद्योगिक वित्त अधिनियम, 1948 (1948 का 15) की धारा 21 की उपधारा (2) के अन्सरण में, केन्द्रीय सरकार, एतद्द्वारा भारतीय औद्योगिक वित्त निगम के निदेशक मंडल की सिफारिश पर, उक्त निगम द्वारा जनवरी, 1981 में जारी किये गये तथा 1 जनवरी, 1982 को परिपक्व होने वाले बांडों पर देय व्याज की दर 9% (नौ प्रतिशत) निर्धारित करती है।

[सं. फा. 2(42)-आई. एफ.-1/80]

विनोद हाल, निदेशक
(औद्योगिक वित्त)

New Delhi, the 3rd December, 1980

S.O. 3565.—In pursuance of sub-section (2) of Section 21 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government, on the recommendations of the Board of Directors of the Industrial Finance Corporation of India, hereby fixes 9 per cent (nine per cent) per annum as the rate of interest payable on the bonds to be issued by the said Corporation in January, 1981 and maturing on the 1st January, 1982.

[No. 2(42)IF. I/80]

VINOD DHALL, Director (Industrial Finance)

नई दिल्ली, 29 नवम्बर, 1980

का. आ. 3566.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा श्री राम निवास गौड़ को श्री आर. जी. पुरी के स्थान पर शेखावाटी ग्रामीण बैंक, सीकर का अध्यक्ष नियुक्त करती है तथा 30 नवम्बर, 1980 से प्रारम्भ होकर 29 नवम्बर, 1983 को समाप्त होने वाली अवधि को उस अवधि के रूप में निर्धारित करती है जिसके दौरान श्री राम निवास गौड़ अध्यक्ष के रूप में कार्य करेंगे।

[संख्या एफ. 8-29/80-आर.आर.बी.]

इन्द्रानी सेन, अवर सचिव

New Delhi, the 29th November, 1980

S.O. 3566.—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri Ram Niwas Gaur as the Chairman of the Shekhawati Gramin Bank, Sikar vice Shri R. G. Puri and

specifies the period commencing on the 30th November, 1980 and ending with the 29th November, 1983 as the period for which the said Shri Ram Niwas Gaur shall hold office as such Chairman.

[No. F. 8-29/80 RRB]

INDRANI SEN, Under Secy.

नई दिल्ली, 1 दिसम्बर, 1980

का. आ. 3567.—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा तत्कालीन राजस्व तथा बैंकिंग विभाग (बैंकिंग पक्ष) की दिनांक 30 सितम्बर, 1975 की अधिसूचना सं. का. आ. 570(ई.) (सं. एफ. 4-14/75-ए.सी.) (1) में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में “भिवानी जिला” के स्थान पर “भिवानी तथा रोहतक जिले” शब्दों को प्रतिस्थापित किया जाएगा।

[सं. एफ. 2-7/79-आर.आर.बी.]

दिनेश चन्द्र, निदेशक

New Delhi, the 1st December, 1980

S.O. 3567.—In exercise of the powers conferred by sub-section (1) of section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby makes the following amendment in the notification of the Government of India in the (then Department of Revenue and Banking (Banking Wing) S.O. 570(E) No. F. 4-14/75-AC (I) dated the 30th September, 1975 namely:—

In the said notification for the words “district of Bhiwani” the words “districts of Bhiwani and Rohtak” shall be substituted.

[No. F. 2-7/79-RRB]

DINESH CHANDRA, Director.

नई दिल्ली, 8 दिसम्बर, 1980

का. आ. 3568.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्द्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उप-धारा (1) के खण्ड (ग) के उपखण्ड (1) और (2) के उप-बन्ध इस अधिसूचना की तारीख से 1 वर्ष तक की अवधि के लिए आंध्र बैंक, हैदराबाद पर उस सीमा तक लागू नहीं होंगे जहां तक ये उपबन्ध इसके अभिरक्षक (कस्टोडियन) पर आंध्र प्रदेश इंडस्ट्रियल डेवलपमेंट कॉर्पोरेशन लि. हैदराबाद के निदेशक के रूप में, नियुक्ति पर इस लिये पाबन्दी लगाते हैं कि यह कम्पनी अधिनियम 1956 (1956 का 1) के अन्तर्गत पंजीकृत एक कम्पनी है।

[संख्या 15/36/80-बी.ओ.-3]

New Delhi, the 8th December, 1980

S.O. 3568.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clauses (i) and (ii) of clause (c) of sub-section (1) of Section 10 of the said Act shall not apply to the Andhra Bank, Hyderabad for one year from the date of this notification insofar as the said provision prohibits its Custodian from being the Director of the Andhra Pradesh Industrial Development Corporation Ltd., Hyderabad being a company registered under the Companies Act, 1956 (1 of 1956).

[No. 15/36/80-B.O.III]

का. आ. 3569.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 19 की उपधारा (2) के उपबंध इस अधिसूचना की तारीख से और दो वर्षों की अवधि तक अर्थात् 28 अप्रैल, 1982 तक, यनाइटेड बैंक ऑफ इंडिया, कलकत्ता पर उस सीमा तक लागू नहीं होंगे जहां तक उनका संबंध प्लेजी के रूप में इस बैंक द्वारा स्टैंडर्ड मोपेड क. (प्रा.) लि. के शेयरों की धारिता से है।

[सं. 15/37/80-बी.ओ.-3]

एन. डी. बत्रा, अवर सचिव

S.O. 3569.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the United Bank of India, Calcutta, for a further period of two years, i.e. upto 28th April, 1982 in so far as they relate to its holding the shares of Standard Moped Co. (P) Ltd. as pledgee.

[No. 15/37/80-B.O.III]

N. D. BATRA, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 12 जून, 1980

आयकर

का० आ० 3570.—केन्द्रीय प्रत्यक्ष कर बोर्ड आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समय-समय पर यथासंशोधित अपनी अधिसूचना सं० 679 [फा० सं० 187/2/74-आई टी (ए. 1)] तारीख 2-7-74 से संलग्न अनुसूची का निम्नलिखित संशोधन करता है। क्रम

संख्या 23-स और 23-ठ के सामने स्तम्भ (1), (2) और (3) के नीचे विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी:—

अनुसूची

क्रम सं० आयकर आयुक्त का भारसाधन	मुख्यालय	अधिकारिता
23-स, आयकर आयुक्त पश्चिमी बंगाल X	कलकत्ता	(1) जिला-IV (1), कलकत्ता (2) जिला-IV (2), कलकत्ता (3) जिला-IV (3), कलकत्ता
23-ठ आयकर आयुक्त, पश्चिमी बंगाल-XIII	कलकत्ता	(1) मुर्शिदाबाद (2) नाडिया (3) विशेष सर्वेक्षण सर्किल-VIII कलकत्ता (4) कूच बिहार (5) दार्जिलिंग (6) जलपाई गुरी (7) विशेष सर्किल, सिलीगुरी (8) सिलीगुरी (9) पश्चिमी दिनाजपुर मालदा (10) विशेष सर्किल-VIII, कलकत्ता (11) सर्वेक्षण सर्किल-1, कलकत्ता

यह अधिसूचना 1-7-80 से प्रभावी होगी।

[सं० 3470/फा० सं० 187/13/80-आई टी (ए. 1)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 12th June, 1980

INCOME TAX

S.O. 3570.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes, hereby makes the following amendments to the schedule appended to its Notification No. 679 (F. No. 187/2/74-IT(AI) dated 2-7-74 as amended from time to time. The existing entries under Columns (1), (2) and (3) against Sl. No. 23-I and 23-L shall be substituted by the following entries:—

SCHEDULE

Sl. No.	Commissioner of Income Tax's Charge	Headquarters	Jurisdiction
23-I	Commissioner of Income-tax, West Bengal-X.	CALCUTTA	(1) District IV(1), Calcutta. (2) District IV(2), Calcutta. (3) District IV(3), Calcutta
23-L	Commissioner of Income-tax, West Bengal-XIII	CALCUTTA	(1) Murshidabad. (2) Nadia. (3) Special Survey Circle-VIII, Calcutta. (4) Cooch Behar. (5) Darjeeling. (6) Jalpaiguri. (7) Special Circle, Siliguri. (8) Siliguri. (9) West Dinajpur-Maldah. (10) Special Circle-VIII, Calcutta. (11) Survey Circle-I, Calcutta.

This notification shall take effect from 1-7-80.

[No. 3470/F.No. 187/13/80-IT(AI)]

का० भा० 3571.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आयकर अधिनियम 1961 (1961 का 43) की धारा 126 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, समय-समय पर यथासंशोधित अपनी अधिसूचना सं० 3085 [फा० सं० 187/35/79-आई टी (ए 1)] तारीख 10-12-79 से सनमान अनुसूची का निम्नलिखित संशोधन करता है।

क्रम सं० 95 के सामने स्तम्भ 1 से 5 के नीचे विद्यमान प्रविष्टियों को निम्नलिखित रूप में पढ़ा जाएगा :—

अनुसूची

क्रम सं०	अधिकारिता	आयकर सर्किल	आई०ए०सी	सी०आई०टी०
1	2	3	4	5
95.	1-12-79 को या उसके पश्चात् स्वेच्छा से दाखिल की गई आय विवरणियों के सभी नए मामले जिस पर	सर्वेक्षण सर्किल-1 कलकत्ता के आयकर सर्किल-1	आयकर का आई०ए०सी जो सर्वेक्षण सर्किल-1 के	सी०आई०टी० पश्चिमी बंगाल XIII, कलकत्ता।

1	2	3	4	5
कोई कार्यवाही नहीं की गई है और कंपनियों, व्यापार, प्रत्यक्ष आय मामलों, बचतबन्धी व्यक्तियों और आयकर अधिनियम 1961 की धारा 127 के अधीन सौंपे गए मामलों को छोड़कर, पश्चिमी बंगाल राज्य में कलकत्ता, हावड़ा और 24-पारगना जिलों की स्थानीय अधिकारिता के भीतर बाह्य और आन्तरिक सर्वेक्षणों द्वारा उसके अधीन पाए गए सभी नए मामले।			कलकत्ता आय-कर अधिका-रियों की बाबत आई०ए० सी० के रूप में कार्य करेगा	

यह अधिसूचना 1-7-80 से प्रभावी होगी।

[सं० 3471/फा० सं० 187/13/80-आई टी (ए 1)]

बी० बी० श्रीनिवासन, सचिव

S.O. 3571.—In exercise of the powers conferred by section 126 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the schedule appended to its Notification No. 3085 (F. No. 187/35/79-IT(AD) dated 10-12-79 as amended from time to time.

The existing entries under Column 1 to 5 against Sl. No. 95 shall be read as under:—

SCHEDULE

S. No.	Jurisdiction	I.T. Circle	I.A.C.	C.I.T.
1	2	3	4	5
95.	All new cases of undisposed returns of incomes filed voluntarily on or after 1-12-79 and all new cases thereafter discovered by external or internal survey within the civil jurisdiction of the districts Calcutta, Howrah and 24-Parganas in the State of West Bengal other than Companies, Trusts Refund cases, Salaried persons and cases assigned under section 127 of the I.T. Act, 1961. This jurisdiction will override earlier notification under section 126 in respect of West Bengal issued from time to time.	Income-tax officers of Survey Circle-I, Calcutta.	I.A.C. of Income Tax who shall function as I.A.C. in respect of the Calcutta I.T.Os of Survey Circle-I.	C.I.T. West Bengal, XIII. Calcutta.

This notification shall take effect from 1-7-80.

[No. 3471/F.No. 187/13/80-IT(AD)]

V.B. SRINIVASAN, Secy.

वाणिज्य मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 28 नवम्बर, 1980

का० भा० 3572.—समुद्री उत्पाद निर्यात विकास प्राधिकरण अधिनियम, 1972 (1972 का 13) की धारा 33 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा समुद्री उत्पाद निर्यात विकास प्राधिकरण नियम, 1972 को आगे संशोधित करने के लिए निम्नलिखित नियम बनाती है, अर्थात् :—

- (1) इन नियमों को समुद्री उत्पाद निर्यात विकास प्राधिकरण (संशोधन) नियम, 1980 कहा जाए।
- (2) ये नियम शासकीय राजपत्र में उनके प्रकाशन की तारीख से प्रवृत्त होंगे।
- समुद्री उत्पाद निर्यात विकास प्राधिकरण नियम, 1972 में, नियम 30 में, उप-नियम (1) में 'या किसी राष्ट्रीयकृत बैंक में,' शब्दों को अन्त में जोड़ा जाएगा।

[फा० सं० 1एम-13/80-ई०पी(एग्री)]

राजेंद्र सिंह, अवर सचिव

MINISTRY OF COMMERCE

(Department of Commerce)

New Delhi, the 28th November, 1980

S.O. 3572—In exercise of the powers conferred by section 33 of the Marine Products Export Development Authority Act, 1972 (13 of 1972), the Central Government hereby makes the following rules further to amend the Marine Products Export Development Authority Rules, 1972, namely :—

1. (1) These rules may be called the Marine Products Export Development Authority (Amendment) Rules, 1980.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Marine Products Export Development Authority Rules, 1972 in sub-rule (1), the words "or with any nationalised bank", shall be added at the end.

[F. N. 1M-13/80-EP(Agri)]

RAJINDER SINGH, Under Secy.

मुख्य नियंत्रक आयात तथा निर्यात का कार्यालय

आदेश

नई दिल्ली, 8 अक्टूबर, 1980

का० आ० 3573.—सर्वश्री अनन्त सुपरिटेन्डेंट पात्रातु थर्मल पावर स्टेशन, पी० ओ० पात्रातु थर्मल पावर, जिला हजारी बाग को अप्रैल 1973—मार्च 74 अवधि के लिए, सामान्य मुद्रा क्षेत्र में 1,81,930/- रुपये के इलेक्ट्रिकल और इन्स्ट्रुमेंटेशन कामप्लेक्स के साथ टरबाइन के बायलर के कालनू पुर्जों के आयात के लिए आयात लाइसेंस सं० जी/ए/1398402/मी/एक्स एक्स/50/एच/37-38 दिनांक 12-3-74 प्रदान किया गया था।

2. सर्वश्री जनरल सुपरिटेन्डेंट पात्रातु थर्मल पावर स्टेशन ने उपयुक्त लाइसेंस की मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति के लिए हम आचार पर आवेदन किया है कि मूल मुद्रा विनिमय नियंत्रण प्रति कलकत्ता सीमा शुल्क सदन में पंजीकरण करवाने के पश्चात् खो गई है और उसका आंशिक उपयोग अर्थात् 31,290/- रुपये तक किया गया है। फर्म इस बात पर राजी है और वचन देती है कि यदि लाइसेंस की मुद्रा विनिमय नियंत्रण प्रयोजन प्रति बाद में मिल जाएगी तो हम कार्यालय के रिकार्ड के लिए वापस कर दी जाएगी।

3. आयात-निर्यात क्रियाविधि पुस्तक 1980-81 के अध्याय 15 के पैरा 352 द्वारा यथा अपेक्षित फर्म ने अपने तक के समर्थन में एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि आयात लाइसेंस जी/ए/1398402 दिनांक 12-3-74 की मूल मुद्रा विनिमय नियंत्रण प्रयोजन प्रति खो गई है और निदेश देता है कि लाइसेंस की मुद्रा विनिमय नियंत्रण प्रयोजन प्रति की अनुलिपि आवेदक को जारी की जाए। एतद्वारा मूल मुद्रा विनिमय नियंत्रण प्रयोजन प्रति रद्द की जाती है।

4. अप्रैल-मार्च 81 की नोटिफिकेशन 31-12-81 तक वैध आयात लाइसेंस की मुद्रा विनिमय नियंत्रण प्रयोजन प्रति की अनुलिपि प्रति अलग से जारी की जा रही है।

[सं० 3/एस जी/280/73-74/पी एल एस (बी) जी एल एस]

बी० मलिक, उप-मुख्य नियंत्रक, आयात-निर्यात

रुहे मुख्य नियंत्रक, आयात-निर्यात

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

ORDER

New Delhi, the 8th October, 1980

S.O. 3573.—General Superintendent Patratu Thermal Power Station, P.O. Patratu Thermal Power, District Hazaribagh have been granted import licence No. G/A/1398402/C/XX/50/H/37-38 dated 12th March, 1974 for Rs. 1,81,930 only for the import of Permissible Spates of Boilers of Turbine with its electrical and instrumentation complex under G.C.A. for April 1973—March 1974 period.

2. General Superintendent Patratu Thermal Power Station have now requested for the issue of duplicate copy of Exchange Control Purposes copy of the above licence on the ground that the original Exchange Control Purposes copy has been lost after having been registered with Calcutta, Customs House and utilised partly i.e. for Rs. 31,290 only. The firm agrees and undertakes to return the original Exchange Control Purposes copy of the licence if traced later to this office for record.

3. In support of their contentions the firm have filed an affidavit as required in para 352 of Chapter XV of the Handbook of Import-Export Procedures 1980-81. The undersigned is satisfied that the original Exchange Control Purposes copy of import licence No. G/A/1398402 dated 12th March, 1974 has been lost and directs that duplicate copy of the Exchange Control Purposes copy of the licence

should be issued to the applicant. The original Exchange Control Purposes copy of licence is hereby cancelled.

4. The duplicate copy of the Exchange Control Purposes copy of the import licence valid upto 31st December, 1981 subject to AM'81 policy is being issued separately.

[No. 3/SG/280/73-74/PLS(B)/GLS]

B. MALIK, Dy. Chief Controller of Imports and Exports
for Chief Controller of Imports and Exports.

उप-मुख्य नियंत्रक आयात तथा निर्यात का कार्यालय टी० डी० रोड, एन०कुलम

आदेश

विषय :— संपूर्ण आयात लाइसेंस संख्याएं 1. पी/एल/2869930 तारीख 10-4-80 जो 27771 रु० का है; 2. पी/एल/2869929 तारीख 10-4-80 जो 94773 रु० का है और 3. पी/एल/2869858 तारीख 31-3-80 जो 123844 रु० का है—1955 के आयात (नियंत्रण) आदेश के 7-12-1955 से 31-3-80 तक संशोधित किये खण्ड 9 के अनुसार—रद्द करने का आदेश।

कोचीन, 25 मितम्बर, 1980

का० आ० 3574.—सैमर्स कॉन्वेरी कोयल फैक्टरी, पी०बी० सं० 10, गेरतले-24 केरल ने बीय ऑल स्टैन्सिल्ड और स्पूड बोय एन्ड्स "बी" प्रोमम बी०मी०ए० के० निर्यात के लिये क्रमांशुसार जे० एम० 79 और जे० एम० 80 के अवधि में 27771 रु०, 94773 रु० और 123844 रु० के लाइसेंस के लिये आवेदन दिये थे।

आवेदन के सहित पार्टी ने सनदी लेखापाल का प्रमाणपत्र भी लाये थे कि निर्यात किये माल रजिस्टर्ड उत्पन्न हैं और प्रस्तुत लाइसेंस यथाक्रम 11-4-80 और 2-4-80 को जारी और पंजीकृत किये थे।

हस्ताक्षरित के ध्यान पर यह आये है कि पार्टी ने झूठी घोषणा और मिथ्याभिवेदन देकर लाइसेंस प्राप्त किये हैं कि उनसे निर्यात किये माल रजिस्टर्ड उत्पन्न हैं जबकि कोयल बोर्ड ने इसका दर्नीकरण 1978-79 व 1979-80 के आयात नीति किताब के परिशिष्ट 17 के ए० 1.3 के अन्तर करने का निरस्कार किया है।

1955 के आयात नियंत्रण आदेश के खण्ड 9 जो संशोधित करके 6-9-80 को जारी किये थे उसके अनुसार पार्टी को यह निदेश दिये थे कि कारण निदर्शन नोटिस को प्राप्ति से 15 दिन के अन्दर उत्तर प्राप्त नहीं होते तो ये लाइसेंस क्यो रद्द नहीं किया जा सकते। लाइसेंस वापस देने का और 16-9-80 को हम कार्यालय में व्यक्तिगत सुनवाई के लिये आने का निदेश पार्टी को दिया गया।

न तो पार्टी व्यक्तिगत सुनवाई के लिये आयी न ही उसने कोई उत्तर दिया।

हस्ताक्षरित ने परिस्थितियों का सूक्ष्म निरीक्षण करके बूझ लिया कि झूठे अभिवेदन देकर पार्टी ने लाइसेंस प्राप्त किये थे और जिस कार्य के लिये लाइसेंस जारी किये गये उसकी पूर्ति नहीं हो सकी।

इसलिये, 1955 के आयात (नियंत्रण) आदेश के संशोधित खण्ड 9 (क) और (ग) के अनुसार, जो शक्ति मुझ पर निहित है उनके अनुसार सैमर्स कॉन्वेरी कोयल फैक्टरी, पी०बी० सं० 10, गेरतले-24, केरल में प्राप्त लाइसेंस संख्याएं पी० एल० 2869930 तारीख 10-4-1980, पी० एल० 2869929 तारीख 10-4-1980 और पी० एल० 2869858, तारीख 31-3-80 जो यथाक्रम 27771 रु०, 94773 रु० और 123844 रु० का है, निरस्कार करना हू।

[सं० कोयल 15/ए०जे० 79/आर० ई० पी० 1]

(Office of the Dy. Chief Controller of Imports and Exports
T. D. Road, Ernakulam)

ORDER

Sub :—Order regarding cancellation of replenishment import licence Nos. (1) P/L/2869930 dated 10th April, 1980 for Rs. 27,771 (2) P/L/2869929 dated 10th April, 1980 for Rs. 94,773 and (3) P/L/2869858 dated 31st March, 1980 for Rs. 123,844 under clause 9 of Import (Control) Order 1955 dated 7th December, 1955 as amended upto 31st March, 1980.

Cochin, the 25th September, 1980

S.O. 3574.—Whereas M/s. The Koncherry Coir Factories, Post Box No. 10, Shertallay-24, Kerala had applied for issue of licences for Rs. 27,771, Rs. 94,773 and Rs. 123,844 against export of Beech Creel Stencilled and Glucs Both ends 'BCI' for the quarters AJ.79, S.79 and OD. 79 respectively.

Whereas in their application the party had produced chartered accountant certificate to the effect that the items exported are Rubberised Coir Products and the above licences were issued and despatched on 11th April, 1980 and 2nd April, 1980 respectively.

Whereas it was brought to the notice of the undersigned that the party has obtained the said licences by giving false declaration and mis-representation of facts as to the items exported are Rubberised Coir Products when Coir Board has declined to classify the items as falling under M. 1.3 of appendix 17 of Import Policy Book for 1978-79 and 1979-80.

Whereas a Show Cause notice for action under clause 9 of the Import (Control) Order 1955 as amended was issued on 6th September, 1980 directing the firms to show cause by 15 days from the date of receipt of the same why the said import licences be not cancelled. The party was directed to return the licence to this office and also directed to appear for personal hearing on 15th September, 1980.

Whereas the party did appear for personal hearing and pleaded that the items exported are Rubberised Coir Products.

The undersigned has carefully considered the circumstances of the case and is satisfied that the party had obtained the above licences by mis-representation and that the import licences will not serve the purposes for which they were issued.

Therefore, in exercise of the powers vested in me under clause 9(a) and (cc) of Import (Control) Order 1955 as amended hereby cancel the import licence Nos. P/L/2869930 dated 10th April, 1980 P/L/2869929 dated 10th April, 1980 and P/L/2869858 dated 31st March, 1980 for Rs. 27,771, Rs. 94,773 and Rs. 123,844 respectively obtained by M/s. The Koncherry Coir Factories, Post Box No. 10, Shertallay-24, Kerala.

[No. Coir. 15/AJ. 79/REP.1]

आदेश

विषय :—संपूर्ण आयात लाइसेंस सं० पी/एल/2869853 तारीख 27.3.80 जो 208430 रु० का है रद्द करने का आदेश—
1955 के आयात नियंत्रण आदेश के तारीख 7.12.1955 से 31.3.80 तक संशोधित किये खण्ड 9 के अनुसार।

का० आ० 3575.—सैमर्स ट्रावन्कोर माट्स एण्ड मटिंग को० पी०बी० सं० 4, शेरतल्लै ने स्पेशल ग्रील स्टेन्सिलड लाटेक्स बाकड के निर्यात के लिये 208430 रु० के लाइसेंस के लिये आवेदन दिये थे।

आवेदन में पार्टी ने घोषित किये थे कि निर्यात किये माल रबडैसड उत्पन्न हैं और प्रस्तुत लाइसेंस 28.3.80 को जारी और मंजीकृत किये थे।

जबकि इन्स्टाक्षरित के ध्यान पर यह आये है कि पार्टी ने झूठी घोषणा य मिथ्याभिवेदन देकर लाइसेंस प्राप्त किये हैं कि उन ने निर्यात किये गये माल रबडैसड उत्पन्न हैं जबकि कोयर बोर्ड ने इसका बर्गीकरण 1979-80

के आयात नीति किताब के परिशिष्ट 17 के ए० 1.3 के अन्तर करने को निरस्कार किया है।

1955 के आयात नियंत्रण आदेश के खण्ड 9, बिनाक 19.8.80 जो कारण निदर्शन नोटिस को कार्यवाही के लिये जारी किये थे उसके अनुसार पार्टी को यह निदेश दिये थे कि कारण निदर्शन नोटिस की प्राप्ति से 15 दिन के अन्तर उत्तर प्राप्त नहीं होने को यह लाइसेंस क्यों रद्द किए नहीं जा सकते। प्रस्तुत लाइसेंस इस कार्यालय में वापस देने का और 17.9.80 को व्यक्तिगत मुनवाई के लिए आने का निदेश पार्टी को दिया गया।

न तो पार्टी ने व्यक्तिगत मुनवाई के लिये आया और न ही कोई उत्तर दिया।

इन्स्टाक्षरित ने परिस्थितियों का सूक्ष्म निरीक्षण करके खूब लिया कि पार्टी ने झूठी अभिवेदन देकर लाइसेंस प्राप्त किये थे और जिस कार्य के लिए लाइसेंस जारी किये गये उसकी पूर्ति नहीं हो सकनी।

इसलिये 1955 के आयात (नियंत्रण) आदेश के खण्ड 9 (क) और (ग) के अनुसार जो शक्ति मुझ पर निहित है उसके अनुसार सैमर्स ट्रावन्कोर माट्स और मटिंगस, से प्राप्त लाइसेंस सं० पी० एल० 2869853 तारीख 27.3.1980 जो 208430 रु० का है रद्द करना है।

[स० कोयर 3/ओ० डी० 79/आर०ई०पी० (1)]

के० एम० आर० मेनन,

उप मुख्य नियंत्रक, आयात तथा निर्यात

ORDER

Sub :—Order regarding cancellation of replenishment Import licence No. P/L/2869853 dated 27th March, 1980 for Rs. 208,430 under clause 9 of Import (Control) Order, 1955 dated 7th December, 1955 as amended upto 31st March, 1980.

S.O. 3575.—Whereas M/s. The Travancore Mats and Matting Co., P.B. No. 4, Shertally, Kerala had applied for issue of licence for Rs. 208,430 against export of Special Creel Stencilled Latex Backed for the quarter OD.79.

Whereas in their application the party declared that the items exported are Rubberised Coir Products and the above licence was issued and despatched to the party on 28th March, 1980.

Whereas it was brought to the notice of the undersigned that the party has obtained the licence by giving false declaration and mis-representation of facts as to the items exported are Rubberised Coir Products when Coir Board has declined to classify the items as falling under M.1.3 of appendix 17 of Import Policy Book for 1979-80.

Whereas show cause notice for action under clause 9 of the Import (Control) Order, 1955 as amended was issued on 6th September, 1980 directing the firm to show cause by 15 days from the date of receipt of the same why the said import licence be not cancelled. The party was directed to return the licence to this office and also directed to appear for personal hearing on 17th September, 1980.

Whereas the party did appear for personal hearing on 17th September, 1980 and agreed to return the licence under protest as they have not agreed with the findings of Coir Board.

The undersigned has carefully considered the circumstances of the case and is satisfied that the party has obtained the above mentioned licence by mis-representation and that the import licence will not serve the purpose for which it was issued.

Therefore, in exercise of the powers vested in me under clause 9(a) and (cc) of the Import (Control) Order 1955 as amended hereby cancel the import licence No. P/L/2869853 dated 27th March, 1980 for Rs. 208,430 obtained by M/s. The Travancore Mats and Matting Co., P.B. No. 4, Shertallay-24.

[No. Coir. 3/OD.79/REP.1]

K. M. R. MENON,

Dy. Chief Controller of Imports and Exports.

नागरिक पूर्ति मंत्रालय

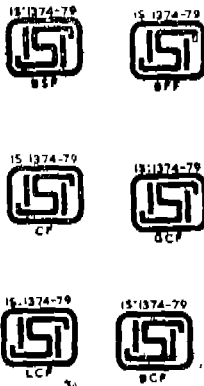
भारतीय मानक संस्था

नई दिल्ली, 1980-12-03

क्रा० आ० 3576.—भारत के राजपत्र भाग II खण्ड 3, उपखण्ड (ii) दिनांक 1966-04-16 में प्रकाशित मत्स्यमयी उद्योग मंत्रालय (भारतीय मानक संस्था) अधिसूचना संख्या एम० ओ० 1170 दिनांक 1966-03-30 का आंशिक रूप से संशोधन करने हुए भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि मुर्गीदाने के मानक चिन्ह की डिजाइनों का पुनरीक्षण किया गया है। मानक चिन्ह की पुनरीक्षित डिजाइन उनके शाब्दिक विवरण तथा तत्सम्बन्धी भारतीय मानक के शीर्षक सहित नीचे अनुसूची में दी गई हैं।

भारतीय मानक संस्था (प्रमाणन चिन्ह) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिन्ह 1980-07-16 से लागू होंगे।

अनुसूची

क्रम सं०	मानक चिन्ह की डिजाइन	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की पद संख्या और शीर्षक	मानक चिन्ह के डिजाइन का शाब्दिक विवरण
(1)	(2)	(3)	(4)	(5)
1.		मुर्गी दाना	IS : 1374-1979 मुर्गीदाने की विशिष्ट (तीसरा पुनरीक्षण)	भारतीय मानक संस्था का मोनोग्राम जिसमें "ISI" शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम के ऊपर की ओर भारतीय मानकों की संख्या और वर्ष तथा मोनोग्राम के नीचे की ओर तत्सम्बन्धी टाइट पदनाम दी गई हैं।

[सं० सी. एम. डी./13:9]


ए० पी० बनर्जी, अपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES
INDIAN STANDARDS INSTITUTION
New Delhi, the 1980-12-03

S.O. 3576.—In partial modification of the then Ministry of Industry (Indian Standards Institution) notification number S.O. 1170 dated 1966-03-30, published in the Gazette of India, Part-II, Section-3, Sub-section (ii) dated 1966-04-16, the Indian Standards Institution, hereby, notifies that the designs of the Standard Marks for poultry feeds has been revised. The revised designs of the standard marks together with the title of the relevant Indian Standard and verbal description of the designs are given in the following Schedule.

These standard marks for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder shall come into force with effect from 1980-07-16.

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of product	No. & Title of Relevant Indian Standard	Verbal Description of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Poultry feeds	IS: 1374-1979 Specification for poultry feeds (third revision)	The monograms of the Indian Standards Institution, consisting of letters 'ISI'; drawn in the exact style and relative proportions as indicated in Col (2); the numbers of the Indian Standards, along with their years, being superscribed on the top side and the relevant types designations being subscribed under the bottom side of the monograms as indicated in the designs.

[No. CMD/13:9]

A.P. BANERJI, Additional Director General

निर्माण और आवास मंत्रालय

नई दिल्ली, 31 अक्टूबर, 1980

का० आ० 3577.—नगर भूमि (अधिकतम सीमा और विनियमन) अधिनियम, 1976 (1976 का 33) की धारा 2 के खण्ड (घ) के उपबन्धों के साथ पठित खण्ड (ठ) के अनुसरण में, केन्द्रीय सरकार, निर्माण और आवास मंत्रालय, भारत सरकार के दिनांक 16 फरवरी 1976 के एस०ओ० सं० 119(क) की अधिसूचना में एतद्वारा आगे और निम्नलिखित संशोधन करती है, नामतः—

- (i) उक्त अधिसूचना से संलग्न अनुसूची में, क्रम संख्या 1 और उससे संबंधित प्रविष्टियों के लिए निम्नलिखित क्रम संख्या और उससे संबंधित प्रविष्टियां प्रतिस्थापित की जायें; नामतः :

1	2	3
"1. सेना सम्पदा अधि-कारी (नगर भूमि अधिकतम सीमा) सिकन्दराबाद	(क) सिकन्दराबाद छावनी की स्थानीय सीमाओं के भीतर समस्त क्षेत्र (ख) बेलगांव छावनी की स्थानीय सीमा के भीतर समस्त क्षेत्र	अध्याय III और अध्याय IV की धारा 26 और 27"

- (ii) क्रम संख्या 5 और उससे संबंधित प्रविष्टियां हटा ली जाएं।

[फाइल सं० 4/15/80-मू०सी०मू०]

बी० आर० ग्रय्यर, उप सचिव

MINISTRY OF WORKS AND HOUSING

New Delhi, the 31st October, 1980

S.O. 3577.—In pursuance of the provisions contained in clause (d) of section 2 of the Urban Land (Ceiling and Regulation) Act, 1976 (33 of 1976) read with clause (k) thereof, the Central Government hereby makes the following further amendments in the notification of the Government of India, in the Ministry of Works and Housing No. S.O. 119(E), dated the 17th February, 1976, namely:—

- (i) in the Schedule annexed to the said notification for serial number 1 and entries relating thereto, the following serial number and entries relating thereto shall be substituted, namely:—

1	2	3
"1. Military Estate Officer (Urban Land Ceiling), Secunderabad.	(a) Entire area within the local limits of the Cantonment of Secunderabad.	Chapter III and sections 26 and 27 of Chapter IV"
	(b) Entire area within the local limit of Cantonment of Belgaum.	

- (ii) serial No. 5 and entries relating thereto shall be omitted.

[F. No. 4/15/80-UCU]

V. R. IYER, Dy. Secy.

रेल मंत्रालय

(रेलवे बोर्ड)

नई दिल्ली, 2 दिसम्बर, 1980

का० आ० 3578.—31-5-1980 को एस०ओ० सं० 1513 के अन्तर्गत भारत सरकार के राजपत्र के भाग II खण्ड 3 के उप

खण्ड (ii) में प्रकाशित 13-5-1980 की समसंख्यक अधिसूचना का शुद्धि पत्र।

के स्थान पर

निम्नलिखित पढ़ें

श्री जे० एल० सिंह, चेन्नै,
अपर जिला एवं सेशन जज,
डिब्रूगढ़।

श्री जे० एल० सिंह चेन्नै, सहायक
जिला एवं सेशन जज, गुवाहाटी।

[सं० 79 ई (ओ) II/1/4]

के० बालचन्द्रन, सचिव

रेलवे बोर्ड एवं भारत सरकार के पदेन संयुक्त सचिव

MINISTRY OF RAILWAYS

(Railway Board)

New Delhi, the 2nd December, 1980

S.O. 3578.—Corrigendum to notification of even number dated 13-5-1980 published in part II, sub-section (ii) of section 3 of Government of India Gazette under S.O. No. 1513 dated 31-5-1980.

For

Read

Shri J.L. Singh Chetry,
Addl. District & Sessions Judge,
Dibrugarh.

Shri J.L. Singh Chetry,
Assistant District & Sessions
Judge, Gauhati.

[No. 79E(O)II/1/4]

K. BALACHANDRAN, Secy. Railway Board &
Ex-Officio Jt. Secy to the Govt. of India.

MINISTRY OF LABOUR

New Delhi, the 2nd December, 1980

S.O. 3579.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad, in the industrial dispute between the employers in relation to the management of Bastacella Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad and their workmen, which was received by the Central Government on the 21st November, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 3 of 1979

PARTIES :

Employers in relation to the management of Bastacella Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhansar, District Dhanbad.

AND

Their Workmen.

APPEARANCES :

For the Employers.—Shri B. Joshi, Advocate.

For the Workmen.—Shri Anand Mohan, President, Mines Mazdoor Union.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, dated the 15th November, 1980

AWARD

By Order No. L-20012/117/76-D.III(A), dated the 5th January, 1979, the Central Government being of opinion that an industrial dispute existed between the employers in relation to the management of Bastacella Colliery of Messrs Bharat Coking Coal Limited, P.O. Dhansar, District Dhanbad and their workmen, in respect of the matter specified

in the schedule attached to the order, referred the dispute for adjudication to this Tribunal. The schedule attached to the order reads thus :

"Whether the action of the management of Bastacella Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhanbar, District Dhanbad in dismissing Sarvashri Din Dayal Singh, Assistant Loading Clerk, Shri Surendra Singh, Fan Khalasi and Shri Dalganjan Singh, Trammer from service with effect from 23rd December, 1975 and Shri Ghanshyam Rai, Wagon Loader with effect from 24th December, 1975 is justified? If not, to what relief are the said workmen entitled?"

2. After receipt of the reference parties have been noticed and they have filed their respective written statements and rejoinders. Before the matter could be decided on merit parties have filed a settlement arrived at between them out of court and have prayed that an award in terms of the settlement be passed. The settlement has been signed by the President of the sponsoring union, by the four workmen involved in the dispute, by the General Manager and the Personnel Manager of the management. On 27th October, 1980 when the case was taken up the President of the union and Mr. P. Joshi for the management admitted the terms of the settlement. I have already held that the terms of the settlement are fair, proper and reasonable. By order dated 14th November, 1980 I have allowed the prayer to pass an award in terms of the settlement. The award, therefore, is as follows :

Shri Dindayal Singh, Asstt. Loading Clerk, Shri Dalganjan Singh, Trammer, Shri Surendra Singh, Fan Khalasi and Shri Ghan Shyam Rai, Casual Wagon Loader will be re-instated in their respective posts within 15 days of their reporting for duty to the Manager/Superintendent of the collieries. Shri Dindayal Singh shall be re-instated as Asstt. Loading Clerk in D&C, Bhagatdih Buildings, Shri Dalganjan Singh, Trammer, shall be re-instated in any colliery under Area VII, Shri Surendra Singh, shall be re-instated in any colliery under Area VII and Shri Ghanshyam Rai, Casual Wagon Loader, shall be re-instated in Rajapur Project Area VIII. Their continuity of service will be maintained and their period of idleness from the date of their dismissal to the date of their re-instatement shall be treated as leave without pay. The concerned workmen shall have no claim for their back wages whatsoever on account of the present dispute which stands fully and finally resolved. Parties are to bear their own costs. The settlement filed in the case shall form part of the award.

B. K. ROY, Presiding Officer.
[No. L-20012/117/76-D.III(A)]

PART OF THE AWARD

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

Ref. No. 3 of 1979

Employers in relation to the management of Chandmari Section of Bastacella colliery of Bastacella Area.

AND

Their workmen represented by Shri Anand Mohan President, Mines Mazdoor Union.

Joint Petition of compromise settlement

The humble petitioners on behalf of the Parties above named, most respectfully beg to state that the instant dispute has been amicably settled between the Parties on the terms stated below :—

1. The Parties agree that Shri Dindayal Singh, Asstt. Loading Clerk, Shri Dalganjan Singh, Trammer, Shri Surendra Singh, Fan Khalasi and Shri Ghan Shyam Rai, Casual Wagon Loader will be re-instated in their respective posts in the under noted colliery of BCCL, within 15 days of their reporting for duty to the Manager/Superintendent of the respect collieries :—

1. Shri Dindayal Singh, Asstt. Loading Clerk in D&C, Bhagatdih Buildings.

2. Shri Dalganjan Singh, Trammer, Any colliery under Area VII.
3. Shri Surendra Singh, Any colliery under Area VII.
4. Shri Ghanshyam Rai, Casual Wagon Loader, Rajapur Project Area VIII.

2. The Parties agree that the continuity of service of the concerned workmen will be maintained and the period of their idleness from the date of their dismissal to that of their re-instatement shall be treated as leave without pay.

3. The Parties agree that the concerned workmen shall have no claim for back wages who-so-ever against each other on account of the present dispute which stands fully and finally resolved by this settlement.

The Petitioners pray that the Honourable Tribunal may be pleased to accept the above settlement and to pass award in terms thereof.

For Management.

Sd/-

1. (Ravendra Singh)

General Manager.

24-10-80

Sd/-

2. (M. N. Singh)

Personnel Manager.

Witnesses :—

Sd/-

(Jainarain Singh)

Dindayal Singh, Concerned workman.

L.T.I.

Dalganjan Singh, Concerned workman.

Sd/-

Hemant Kumar,

Surendra Singh, Concerned workman.

L.T.I.

Ghanshyam Rai, Concerned workman.

New Delhi, the 4th December, 1980

S.O. 3580.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad and their workmen, which was received by the Central Government on the 25th November, 1980.

BEFORE SHRI J. P. SINGH, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 2) DHANBAD

Reference No. 36 of 1979

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Bararee colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad.

AND

Their workmen.

APPEARANCES :

On behalf of the employers.—Shri B. Joshi, Advocate.

On behalf of the workmen.—Shri Shankar Bose, Secretary, Rastriya Colliery Mazdoor Sangh, Dhanbad.

STATE : Bihar

INDUSTRY : Coal.

Dhanbad, 18th November, 1980

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its notification No. L-20012/33/79-D.III(A) dated 15th June, 1979 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the demand of the workmen of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad for payment of wages to Shri Manbodh Gareri, Pump Khalasi for the period, the 27th May, 1976 to 9th September, 1976 and 26th October, 1976 to 16th December, 1976 is justified? If so, to what relief is the said workman entitled".

2. After receipt of the reference written statements and rejoinder were filed by both the parties. The reference thereafter proceeded along its course and ultimately on 13th November, 1980 a memorandum of settlement was filed by the parties incorporating therein the terms of settlement arrived at between them in respect of the industrial dispute pending for adjudication in this Tribunal. As per the settlement the concerned workman Shri Manbodh Gareri would be deemed to be in continuous service for the period from 27th May, 1976 to 9th September, 1976 and for the subsequent period from 26th October, 1976 to 16th December, 1976. The concerned workman would be paid 70 per cent of the total wages that would have been earned by him had he worked during the aforesaid period. I have gone through the settlement and heard the parties. Since the settlement is beneficial to both the parties, I accept the same. Accordingly, I pass the award in terms of the settlement which do form a part of the award.

J. P. SINGH, Presiding Officer.

[No. L-20012(33)/79-D.III(A)]

BEFORE THE PRESIDING OFFICER CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL NO. II

AT DHANBAD

Reference No. 36 of 1979

Employers in relation to the Management of Bararee Colliery of M/s. BCCL.

AND

Their workmen.

Petition of Compromise

The humble petition on behalf of the parties to this present dispute most respectfully sheweth :—

1. That the Central Government by notification No. L-20012/33/79-D-III(A) dated 25th September, 1979 has referred the dispute for adjudication containing the following schedule of reference.

SCHEDULE

"Whether the demand of the workmen of Bararee Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhulanbararee, District Dhanbad for payment of wages to Shri Manbodh Gareri, Pump Khalasi for the period, the 27th May 1976 to 9th September, 1976 and 26th October, 1976 to 16th December, 1976 is justified? If so, to what relief is the said workman entitled?"

2. That without prejudice to the respective contentions set out in the written statements and rejoinder of the parties, the parties have settled the dispute amicable in the following terms :

Terms of Settlement

- (i) The concerned workman Shri Manbodh Gareri will be deemed to be in continuous service for the period from 27th May, 1976 to 9th September, 1976 and for the subsequent period from 26th October, 1976 to 16th December, 1976.
- (ii) The concerned workman will be paid 70 per cent of the total wages that would have been earned had he worked during the aforesaid period.
- (iii) The concerned workman will not have any further claim for the aforesaid periods.

3. That in view of the settlement arrived at there remains no dispute to be adjudicated.

4. That the terms of the settlement are fair and proper and the interest of the concerned workman has been protected.

5. Under the facts and circumstances stated above, it is humbly prayed that the Hon'able Tribunal will be graciously pleased to accept the settlement as fair and proper and will be pleased to pass the Award in terms of the settlement.

For the Workman

1. Illigible
2. Illigible.

For the Employers

1. Illigible.
2. Illigible.

Declaration by the concerned workman Sri Manbodh Gaeri

1. Manbodh Gareri, son of Late Sopan Gareri concerned workman in this reference, do hereby declare that I have fully understood the terms of the settlement referred above and I accept the same with my own volition and free will.

Manbodh

Signature of the concerned workman.

S.O. 3581.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Arbitrator, in the industrial dispute between the employers in relation to the management of Industry Colliery of Messrs Bharat Coking Coal Limited, Post Office Dhanbad, District Dhanbad and their workmen, which was received by the Central Government on the 21st November, 1980.

BEFORE THE ARBITRATOR UNDER SECTION 10A
OF THE INDUSTRIAL DISPUTE ACT, 1947.

PRESENT :

Shri D. V. Ramachandran, Regional Labour Commissioner (Central) Dhanbad and Arbitrator.

BETWEEN

1. Employers in relation to the Management Industry Colliery of Messrs. Bharat Coking Coal Limited, P.O. Dhanbad, District Dhanbad.

AND

2. Rashtriya Colliery Mazdoor Sangh, Michael John Smriti Bhawan, Rajendra Peth, Dhanbad.

APPEARANCES :

On the behalf of the Employer.—Shri U. K. Jha, Senior Personnel Officer.

On behalf of the workmen.—Shri G. D. Pandey, Secretary, Rashtriya Colliery Mazdoor Sangh.

Reference No. 2(195)/80-B-1

Dated the 15th November, 1980

INDUSTRY : Coal.

STATE : Bihar.

AWARD

The Employers of Industry Colliery, Kusunda Area, of M/s. Bharat Coking Coal Limited and their workmen represented by Rashtriya Colliery Mazdoor Sangh entered into an agreement under Section 10A of the Industrial Dispute Act, 1947 and referred the following dispute to my arbitration :—

"Whether Shri Ramdeo Vishwakarma, Fitter-in-Charge, Industry Colliery, has been given proper wages and grade according to the nature of his jobs or not? If not, to what relief the workman is entitled and from what date?"

The agreement was published in Gazette of India Part-II, Section 3, Sub-Section (ii) vide Notification No. L-20013-(6)/80-DIII(A) dated 7th July, 1980. I heard both the parties on 16th August, 1980, 30th August, 1980, 16th September 1980 24th September, 1980 and finally on 4th October, 1980. Both the parties filed written statements, with supporting documents and also presented arguments. The parties wanted to examine witnesses but ultimately did not examine them but relied on documents only. Both the parties extended the time for giving Award by the Arbitrator till 30th November, 1980.

The contention of the Employers was that Shri Ramdeo Vishwakarma was only a Fitter and he has been placed on the highest grade available for a Fitter i.e. Category-VI. They also, stated that the said workman was given Category-VI on the basis of the Award of Shri S. K. Das, Arbitrator. They stated further that the workman is not entitled for any relief as he was not carrying out all the duties of a Foreman. The contention of the workmen/Union was that Shri Ramdeo Vishwakarma was working in the capacity of a Foreman, though designated as Fitter In-Charge/Chargeman Mechanical with effect from 21st May, 1975 and hence Management's action in paying him wages of Category-VI only was not correct and hence he should be re-categorised as per the nature of his job as a Foreman in the pay scale of Technical Grade-B. They further stated that the ability of the workman has been tested and he has been awarded A+1 in the Merit List.

Both the parties cited the Award of Shri S. K. Das, Arbitrator which was given on 23rd May, 1977 under the Code of Discipline. The dispute before that Arbitrator was whether Shri Ramdeo Vishwakarma and 2 others should be granted Category-VI and the said Arbitrator held that Category-VI should be granted to the workmen concerned with immediate effect. Thereafter it is on record that the Management did not comply with the Award of the Arbitrator and the Union wrote to the said Arbitrator complaining that the Award has not been implemented and also finally stated that the Award would not be binding on them. The Employer, however, have produced a copy of the letter dated 16th November, 1977 showing that Shri Ramdeo Vishwakarma and 2 others have been placed in Category-VI from 16th November, 1977. It is not understood as to why it took the Employers nearly six months to comply with the said Award. It is also not clear whether the upgradation was in terms of the Award.

However, it is seen from various letters and records of the Colliery Management that the workman has been given higher responsibilities. Even on 21st June, 1976, the Manager/Superintendent and Engineer, Industry Colliery certified that Shri Ramdeo Vishwakarma was working as Mechanical Chargeman since 21st May, 1975. The categorisation list of the Industry Colliery which is an internal record proposed the name of Shri Ramdeo Vishwakarma, Fitter-in-Charge to be re-categorised as Foreman Grade-B. There are various records produced by the Union on behalf of the workmen which were not denied by the Management that the Personnel Manager, Senior Personnel Officer, Agent, Superintendent and other Officers of the Colliery have recognised Shri Vishwakarma as Mechanical Foreman and certified that he was performing his duties satisfactorily. It is, also, admitted by the management that Departmental Promotion Committee has cleared the case of the workman on merit and the workman has obtained A+1 Grading. It is the policy of the Management that the workmen, who are working in higher categories for long periods against permanent vacancies are regularised in higher categories. After examining the records placed before me and hearing the arguments of both the parties, I have come to conclusion that the workman Shri Ramdeo Vishwakarma has been working as a Foreman and should be designated as such and hence he is definitely entitled to be placed in the Technical Grade-B. I, however, do not agree with the contention of the Union that he is entitled for higher Grade from 21st May, 1975. The workman was working in Category-V before May, 1977 and the earlier Arbitrator conceded the higher categorisation with effect from the date of his Award i.e. 23rd May, 1977. The Employer granted higher categorisation only with effect from 16th November, 1977 though they should have given category-VI with effect from 23rd May, 1977. However, I hold that the workman has become eligible for re-categorisation as Foreman Grade-B having completed 4 years experience only with effect from 24th December, 1978, according to the records of the Management. As the Management themselves had in their records proposed re-categorisation. I am inclined to accept the date specified by them.

In view of the above, I answer the reference in favour of the workman and hold that the workman is entitled for being placed in the Category of Foreman in Technical Grade-B with effect from 24th December, 1978.

This is my Award.

V. RAMACHANDRAN, Presiding Officer.
[No. I-20013(6)/80-D.III(A)]

आदेश

नई दिल्ली, 5 दिसम्बर, 1980

का० आ० 3582. :—केन्द्रीय सरकार की राय है कि इससे उपबन्ध अनुसूची में विनिर्दिष्ट विषय के बारे में पंजाब नेशनल बैंक के प्रबंध मंडल के सम्बन्ध एक औद्योगिक विवाद नियोजकों और उनके कर्मचारियों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्दिष्ट करना वांछनीय समझती है;

अतः, केन्द्रीय सरकार, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एम० वी० गंगाराम होंगे, जिनका मुख्यालय मुंबई में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्दिष्ट करती है।

अनुसूची

क्या पंजाब नेशनल बैंक, 18-ए, ब्रेबोर्न रोड, कलकत्ता के प्रबंध मंडल का पंजाब नेशनल बैंक, कटक में नियोजित श्री तपन कुमार घोष, क्लर्क कम-लिपिक व गोदाम रखक को 22-3-1977 से पदच्युत करने का आदेश न्यायोचित था ? यदि नहीं, तो संबंधित कर्मकार किन अनुसंधान का हकदार है ?

[स० एल-12012/124/78-डी० 11 (ए)]

एस० एच० एस० इयर, बैंक अधिकारी

ORDER

New Delhi, the 5th December, 1980

S.O. 3582.—Whereas the Central Government is of opinion that an Industrial dispute exists between the employers in relation to the management of Punjab National Bank and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. V. Gangaraju shall be the Presiding Officer, with headquarters at Bhubaneswar and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the order of dismissal of Shri Tapan Kumar Ghosh Clerk-cum-Godown Keeper employed at Punjab National Bank, Cuttack with effect from 22-3-1977 by the management of Punjab National Bank, 18-A, Brabourne Road, Calcutta was justified? If not, to what relief the workman is entitled?

[No. L-12012/124/78-D.II(A)]

S. H. IYER, Desk Officer.

नई दिल्ली, 3 दिसम्बर, 1980

का० आ० 3583. :—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (ii) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का० आ० 1708 तारीख 11 जून, 1980 द्वारा मिथुन रिटि पेपर मिल, होशंगाबाद को उक्त अधिनियम के प्रयोजनों के लिए 18 जून, 1980 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था ;

और केन्द्र सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है ;

प्रतः सब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (व) के उप-खण्ड (vi) के परस्पर द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 18 दिसम्बर, 1980 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[सं. एस-11017/10/79-बी० 1(क)]

एस० के० नारायणन्, प्रकर सचिव

New Delhi, the 3rd December, 1980

No. 3583.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No S.O. 1708 dated the 11th June, 1980, the security Paper Mill, Hoshangabad, to be a public utility service for the purposes of the said Act, for a period of six months, from the 18th June, 1980.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 18th December, 1980.

[No. S-11017/10/79-D.I(A)]

L. K. NARAYANAN, Under Secy.

New Delhi, the 4th December, 1980

S.O. 3584.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the Industrial dispute between the employers in relation to the management of North Chirimiri Colliery, P.O. Gelhapani and their workmen, which was received by the Central Government on the 24th November, 1980.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(33)/1980

PARTIES :

Employer in relation to the Management of North Chirimiri Colliery, P.O. Gelhapani, Distt. Surguja (M.P.) and their workman through the Secretary, Khan Mazdoor Parishad (CITU), North Chirimiri Colliery, P. O. Gelhapani, Distt. Surguja (M.P.).

APPEARANCES :

For Workman—Shri L. N. Malhotra, Advocate.
For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal DISTRICT : Surguja (M.P.)

Dated 12th November, 1980

AWARD

The Government of India in the Ministry of Labour has, in exercise of its powers conferred by Clause 10(1)(d) of the Industrial Disputes Act 1947, referred the following industrial dispute to this Tribunal for adjudication vide Order No. L-22012(3)/79-D. IV(B), dated 30-5-1980 :—

“Whether the demand of the Khan Mazdoor Parishad (CITU) North Chirimiri Colliery P.O. Gelhapanai, District Surguja (M.P.) for the regularisation of Shri K. K. Dubey, as Register Keeper by the management of North Chirimiri Colliery w.e.f. 21-10-1975 is justified. If yes, to what relief is the concerned workman entitled ?”

2. The case of the Union in short is that the concerned workman Shri K. K. Dubey was posted as Register Keeper and worked on that post from 21-4-75 to August 1976. He

was paid the difference in wages but was denied the other attending benefits such as the equivalent bonus, leave wages etc. When he made a demand for this he was told that he could be regularised if he gives up his trade union activities. Shri K. K. Dubey is the Secretary of Khan Mazdoor Parishad (CITU). As Shri Dubey did not agree to the proposal of the management, he was transferred to office. The management has adopted the policy of keeping workers as Register Keepers for short period and changing them with a view to deny the benefits of the post. The Register Keepers were previously given charging allowance and these days they are given an extra allowance of Rs. 100 p.m. The management uses this benefits to blackmail the workers. Shri Dubey was rightfully entitled to this post but because of his transfer by way of punishment it was denied to him and he was put to financial loss. After working for six months Shri Dubey should have been regularised as Register Keeper.

It has further been averred that new Mines were opened in North Chirimiri Colliery, where the post of Register Keeper existed. Shri K. K. Dubey applied for that post. Although he was senior and experienced, he was not considered and three absolutely new and raw hands, namely, Nandlal Singh, Kuwar Bahadur and Jai Saroj Gupta were appointed to the posts. This action of the management is clearly a malafide one. Shri Dubey worked as Register Keeper from 21-4-1975 to August 1976 but was actually promoted to the post of clerical Grade II only on 19-12-1977.

3. The management has resisted the claim of the Union on the ground that Shri Dubey was initially appointed as a casual worker in the time rated job in Category I, on 15-4-74. Subsequently he was regularised as General Mazdoor in Category I on 5-7-1976. He was then given a chance to train himself and was made to officiate in Grade II Clerk and was also paid the officiating pay of Gr. II Clerk, off and on, when he was authorised to work in a higher grade. When Shri Dubey became entitled to the promotion in Gr. II clerical, he was considered by the D. P. C. along with the other candidates and was promoted as Grade II Clerk. From the above, it is clear that Shri Dubey got very quick promotions during his service tenure compared to others. Promotion being a managerial function, the management has to decide the promotion on the basis of seniority-cum-merit-cum-availability of the post and the necessity of post etc. Keeping all these factors into consideration the management has correctly promoted Shri Dubey to the post of Grade II Clerk from 19-12-1977. There is no justification in the demand of the Union for regularisation of Shri Dubey as a Register Keeper from 21-10-1975.

The management has assailed the competency of the reference on two grounds. Firstly that Khan Mazdoor Parishad has no existence in the Colliery and Shri Dubey is not a member of the Union. Therefore the dispute being an individual dispute, cannot be treated as an industrial dispute. Secondly the dispute regarding promotion of ministerial of Chirimiri Colliery has been settled by a conciliation settlement dated 13-4-1978 and the management has implemented the settlement in full. Therefore there is no dispute in existence.

4. By way of rejoinder the management has denied the allegations of the Union that Shri K. K. Dubey was given charging allowance of Rs. 100 p.m. According to the management, only those workers who were getting some exgratia payment were allowed to draw the extra allowance. It was denied that the management ever asked the workman to abandon the trade union activities or made any promise of giving him any posting in case he gave up the trade union activities. The three workmen Kunwar Bahadur, J. Saroj Gupta and Nandlal Singh were regularly working as Register Keepers in the New Mines. Therefore they were regularised as Attendance Clerk against permanent vacancies in December, 1, 1977. Shri Dubey was also appointed as Clerk Grade II at the same time. It was also denied that Shri Dubey worked as Register Keeper from 21-4-1975 to August, 1976.

5. On the basis of the above pleadings of the parties the following issues were framed :—

ISSUES

(1) Whether Khan Mazdoor Parishad has no existence in the Colliery of the management as a Union ?

- (2) Whether the present dispute is an individual dispute and whether therefore the reference is bad in law?
- (3) Whether the dispute regarding the promotion of ministerial staff of Chirimiri Area has been settled by a conciliation settlement dated 13-4-78?
- (b) If so, whether the present dispute still survives?
- (4) Whether Shri K. K. Dubey is entitled for being regularised as a Register Keeper?
- (5) Relief and Costs?

My findings on the issues with reasons are as under :—

6. Issue No. 1 & 2.—Shri K. K. Dubey has stated on oath that Khadan Mazdoor Parishad was registered Union which merged with Koyla Shramik Sangh in the year 1979. It is wrong to say that Khadan Mazdoor Parishad has no existence and that there was no membership of that union. He further stated that the management had discussions with our Union and had entered into a settlement with the Khadan Mazdoor Parishad. The settlement is Ex. M/4.

The workman has not been cross-examined by the management on this point and Ex. M/4 on which the management has also placed its reliance goes to show that the management negotiated with the Khadan Mazdoor Parishad and Shri Hira Lal Das President of the Khadan Mazdoor Parishad represented the Union in the settlement arrived at between the management and the six Unions on 13-4-1978. As such I hold that upto the year 1979 till it merged with Koyla Shramik Sangh, Khadan Mazdoor Parishad was a registered Union and Shri Dubey was its member.

The cause of Shri Dubey has been espoused by the Union and therefore it cannot be treated as an individual dispute. In the result Issues no. 1 & 2 are answered in negative.

7. Issue No. 3.—The management has produced Ex. M/4 the settlement arrived at between this Union and the management on 13-4-1978. The Union functioning in the Chirimiri Area had served a notice of strike on 5-4-1978 on the General Manager Chirimiri Area; stating therein that if the demand of the ministerial staff for promotion or upgradation working at the Headquarters and Sub-Area, Chirimiri Area, are not acceded from the date of their completing three years service in their respective post, the Union shall stage a strike on or after the 19th April 1978. As a result of the notice negotiations followed between the management and the six unions and it was agreed that a Committee of three members shall be formed to study the need based workload of the non-central Accounts Section in all categories of Chirimiri Area and shall suggest creation of number of posts in clerical cadre to the General Manager for taking necessary action of filling up of these created posts. There were other conditions in the settlement but they are not relevant to the present dispute. The aforementioned condition of the settlement does not cover the present dispute because the dispute raised by the Union in respect of Shri K. K. Dubey is not for creation of any post to appoint him to that post. The claim of the Union is on the basis of previous work of Shri Dubey as a Register Keeper. Therefore the settlement dated 13-4-1978 does not cover the dispute concerning Shri K. K. Dubey and the dispute survives even after the settlement Ex. M/4.

8. Issue No. 4.—On the point of Shri Dubey's actual work as a Register Keeper, Shri Dubey has stated that he worked as a Register Keeper from April 1975 to August 1976 continuously except for a break of seven days when he was asked to prepare ration cards for the colliery staff. In cross-examination however Shri Dubey admits that he was working as a Register Keeper regularly in place of the Register Keeper who had to take a day's rest. As such he was permanently relieving the Register Keepers. He denies the suggestion that he was asked to work as Register Keeper as and when required.

9. On the other hand, the witness of the management, Shri Sachdeva, Manager North Chirimiri Colliery, states that Shri Dubey worked as a Register Keeper from 21st April 1975 to August 1976 as and when required for working in place of the Register Keepers who remained absent or were on leave or sick. When there was no work of Register Keeper Shri Dubey was working as a Munshi or Pump Khalasi or whatever job was available. Shri Sachdeva has

produced some registers which were available with the management and for the remaining he has stated that they are destroyed as per rules.

10. The management and the union have examined only one witness each viz. Shri Sachdeva and Shri Dubey respectively. Shri Dubey admits that he was relieving the permanent Register Keepers when they took an off. But according to him he was permanently working as a Register Keeper for relieving the permanent Register Keepers, whereas Shri Sachdeva states that Shri Dubey was asked to work occasionally in place of Register Keepers only when any of the Register Keepers was absent on sick or on leave. As there are two contrary statements on oath of the witnesses of the management and the Union, aid has to be sought from the record to ascertain as to which of the version is true. Although all the registers are not available still a perusal of registers produced by the management i.e. Ex. M/8, M/9, M/10 & Ex. M/11 reveal that Shri Dubey did not work continuously during the period of his officiation as a Book Keeper. This circumstance lends support the statement of Shri Sachdeva, that Shri Dubey was asked to work as a Register Keeper whenever a permanent Book Keeper remained absent or proceeded on leave or was sick. Shri Dubey also admits that he was working as Book Keeper only when permanent incumbent did not attend his duty. As such I hold that Shri Dubey did not continuously work as a Register Keeper from 21-4-1975 and is therefore not entitled to the regularisation on this basis.

11. The next grievance of the Union is that the management appointed new raw hand, S/Shri Kuwar Bahadur Nandal Singh and J. Saroj Gupta and ignored the claim of Shri Dubey malafidely because of his trade union activities.

On this point, the management's witness Shri Sachdeva has stated on oath that those persons who were working in the permanent vacancy of the new mine were considered and promoted by the D.P.C. in the year 1977-78. As Shri Dubey was not working against a permanent vacancy he was not considered for the post of a Register Keeper but Shri Dubey was also promoted as Gr. II Clerk in December 1977. The documents filed by the management show that Shri Dubey was appointed as a regular Mazdoor Category I with effect from 5-7-1976 (Ex. M/5) and only after 1½ years Shri Dubey was promoted as Clerk Gr. II vide order Ex. M/3. Normally a person appointed as a Category I Mazdoor gets his promotion in Clerical Gr. III. But it seems that Shri Dubey was given a double promotion by the management only within two years of his regularisation as a Category I Mazdoor and he was promoted as Clerk Gr. II. The perusal of Ex. M/11/A the recommendation of the D.P.C. for filling up the post of Attendance Clerk shows that the other three workmen S/Shri Nandlal Singh, J. Saroj Gupta and Kuwar Bahadur Singh who were appointed on 25-6-1976, 21-6-76 and 23-2-76 as Mazdoors were recommended for promotion as Attendance Clerks because they were already doing the job of Attendance Clerks since more than a year. Shri Dubey was also considered by the D.P.C. on 6-6-1976, whereas the other three workmen were considered on 16-6-1976 i.e. 10 days after the considerations of Shri Dubey. Therefore the recommendations for appointing Shri Dubey as Grade II Clerk were made earlier to the appointment of the other persons in Gr. II Clerk. However, the three other persons were absorbed as Attendance Clerks in Clerical Grade II because they were already officiating in the permanent vacancies of Attendance Clerks for a year whereas Shri Dubey had worked as an Attendance Clerk only when the permanent incumbent to the post remained absent or proceeded on leave. It is also worth mentioning that the post of Attendance Clerk is also a Clerical Gr. II post. Therefore, it cannot be said that the other three workmen were promoted to a higher post than the one on which Shri Dubey was promoted. The clerks working in one cadre have to do the work specified in the Wage Board recommendations and any clerk working in Gr. II can be asked by the management to work on any post on the same category. A workman cannot claim a right to a particular post in the same category. Therefore the claim of the Union that Shri Dubey should be posted as a Register Keeper is not based on any sound footing.

12. As regards the allegations of victimisation or mala fides by the management, Shri Dubey has made a general allegation that the management had told him that he could be regularised as a Register Keeper if he abandons the trade union activities. He has not named any specific person of the management who according to him, had asked him to give up the union

activities. The Manager of the Colliery, Shri Sachdeva, has categorically denied the general allegation made by Shri Dubey and the statement of Shri Sachdeva finds support from the undisputed record of the promotion of Shri Dubey. Had the management been hostile to Shri Dubey for his trade union activities Shri Dubey could not have been promoted from the post of a Category I Mazdoor to the post of Clerical Gr. II post within a span of 1½ years. Therefore this general allegation not substantiated by the circumstances and concrete facts, cannot lead the Tribunal to believe that Shri Dubey was victimised for his trade union activities. In the result of the aforesaid discussion, I answer issue no. 4 in negative.

13. Issue No. 5.—In view of the findings on Issue No. 4 I hold that the claim of the Union for regularisation of Shri K. K. Dubey as a Register Keeper with effect from 21-10-1975 is not justified and the concerned workman is not entitled to any relief.

A. G. QURESHI, Presiding Officer.

[No. L-22012/3/79-D.IV(B)]

S.O. 3585. In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Sub-Area Manager, Rawanwara Sub-Area of Western Coalfields Limited, Parasia and their workmen, which was received by the Central Government on the 24th November, 1980.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(36)/79

PARTIES:

Employers in relation to the management of Sub-Area Manager, Rawanwara Sub-Area of Western Coalfields Limited, Parasia and their workmen represented through the M.P. Rashtriya Koyla Khadan Mazdoor Sangh, (INTUC), Chandametta, P.O. Parasia, District Chhindwara (M.P.)

APPEARANCES:

For Union—S/Shri S. K. Rao, Advocate and S. S. Bharadwaj Secretary of the Union.

For Management.—S/Shri P. S. Nair, Advocate and H. Singh, Deputy Personnel Manager.

INDUSTRY: Coal. DISTRICT: Chhindwara (M.P.)

Dated: November 12, 1980.

AWARD

The Government of India in the Ministry of Labour has in exercise of the powers conferred to it by Clause 10(1)(d) of the Industrial Disputes Act, 1947, referred the following dispute vide Order No. L-22012(ii)/79-D.IV(B) dated 10th December, 1979, for adjudication by this Tribunal:—

"Whether the action of Western Coalfields Ltd., Pench Area Parasia in relation to their Rawanwara Colliery, in terminating the services of Shri Prem S/o Balchand, Ex-Timber Mazdoor, from 2-4-76 is justified. If not to what relief is the concerned workman entitled?"

2. After the service of the notice on the parties the parties filed their respective statement of claims, rejoinders and documents. After the admission and denial of the documents the case was fixed for evidence of parties on 24-6-1980. But on 26-6-1980 parties appeared and submitted that there is a likelihood of a mutual settlement between the parties and sought an adjournment. The case was then fixed for filing of Memorandum of Settlement on 18-7-1980 failing which the parties were directed to be ready with their evidence. Thereafter parties took three more adjournments for adducing evidence and finally 30-10-1980 was fixed for evidence of parties at Chhindwara. In the meanwhile good sense prevailed in the parties and on 30-10-80 both the parties submitted that a short adjournment may be granted to file the Memorandum of Settlement as they have mutually settled the dispute. The case was then fixed on 1-11-1980 for filing a Memorandum of

Settlement. On 1-11-1980 parties appeared and filed a Memorandum of Settlement dated 31-10-80 signed by Shri S. S. Bharadwaj Secretary of the Union and Shri H. Singh, Deputy Personnel Manager.

3. I have perused the terms of settlement as agreed upon by the parties. The management has agreed to provide Shri Prem, workman concerned, a fresh appointment as Timber Mazdoor at Chhinda Project of Pench Area with effect from 1-11-1980, in full and final settlement for all his claim, whatsoever. The Union and the workman accepted the above fresh appointment and have further agreed that no further claim shall be made either by a workman or the Union against the management in respect of the continuity of service, back wages, seniority etc. The aforesaid terms of settlement appear to be fair and reasonable and are beneficial to the workman concerned. I, therefore, record my award in terms of the settlement which shall form part of the award.

[No. L-22012/11/79-D.IV(B)(Part)]

A. G. QURESHI, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Ref. Case No. CGIT/LC(R)(36)/79

Employers in relation to the management of Western Coalfields, Pench Area

AND

Their workmen

The parties beg to submit as under:—

1. The parties have discussed in detail the dispute in question without prejudice to their respective stand, they have decided to settle the dispute, amicably, in the interest of industry and industrial peace on the following terms:—

This settlement has been entered in view of the special circumstances of the case and will not be treated as precedent by either party.

Terms of Settlement

1. The management will provide Shri Prem S/O Balchand, Ex-Timber Mazdoor, fresh appointment as Timber Mazdoor at Chhinda Project of Pench Area from 1-11-1980, in full and final settlement for all his claim, what so ever.

2. The Union and the workman accept the above fresh appointment, in full and final settlement of all their claim against management including, continuity of service, back wages, seniority etc, and no further claim shall be made either by a workman or the Union against the management in respect of the industrial dispute, referred to this tribunal or any other matter incidental to or connected with the termination of service of Shri Prem.

3. The appointment of Shri Prem is subject to his medical fitness.

UNION'S REPRESENTATIVE

Union's Representative

Sd/— (illegible)

WORKMAN:—

Management's

Representative

Witnesses:—

प्रेम

PLACE: Chhindwara

DATED: 31-10-1980.

PART OF THE AWARD

S.O. 3586.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Western Coalfields Limited, Pench Area and their workmen, which was received by the Central Government on the 24th November, 1980.

BEFORE SHRI A. G. QURESHI, M.A., LL.B., PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(41)/1980

PARTIES :

Employers in relation to the management of Western Coalfields Limited Pench Area, P.O. Parasia, District Chhindwara (M.P.) and their workmen represented through the Secretary, Madhya Pradesh Rashtriya Koyla Khandan Mazdoor Sangh (INTUC) Chandamelta, P.O. Parasia, District Chhindwara (M.P.)

APPEARANCES :

For Union—S/Shri S. S. Bhardwaj, Secretary of the Union and S. K. Rao, Advocate.

For Management—S/Shri H. Singh, Deputy Personnel Manager and P. S. Nair, Advocate.

INDUSTRY : Coal

DISTRICT : Chhindwara (MP).

Dated : November 12, 1980.

AWARD

This is a reference made by the Government of India in Ministry of Labour, in exercise of the powers conferred upon it by Clause 10(1)(d) of the Industrial Disputes Act 1947, has referred the following dispute to this Tribunal for adjudication vide Order No. L-22012(12)/80-D.IV(B), Dated 17-7-1980 :—

"Whether the demand of the Union for fixing Shri Karim from Category IV (Boring Fitter) to Category VI (Boring Operator) and fixation of Shri Sarif Khan from Category I (Boring Mazdoor) to Category V (Jeep Driver) is justified? If so, to what relief S/Shri Karim and Sarif Khan are entitled?"

2. On receipt of the reference, parties were noticed to file their respective statements of claims. Parties filed their pleadings. Thereafter 30-10-1980 was fixed for filing the documents. But the parties instead of filing the documents sought a short adjournment on the ground that there is a possibility of the dispute being settled mutually. As such 1-11-1980 was fixed for filing the Memorandum of Settlement. On 1-11-1980 both the parties to the dispute filed Memorandum of Settlement dated 31-10-1980 signed by Shri S. S. Bhardwaj, Secretary of the Union and Shri H. Singh, Deputy Personnel Manager of the Management and verified the terms of the settlement before the Tribunal. The terms of settlement mutually agreed upon between the parties are as under :—

1. Shri Sarif Khan has been given appointment letter as a Driver with effect from 1-10-80 in Category V. This appointment is in full and final settlement of his claim in the matter under dispute.
2. The management will pay difference of wages if any to Shri Karim for the period he has worked or he may work in higher category i.e. in Category V.
3. The workmen concerned i.e. Sarif Khan and Karim and the Union accept the above terms in full and final settlement of all their claims in the dispute under reference and shall not make any further claim against the management in connection with the dispute or matters incidental or connected with it.

3. I have perused the aforementioned terms of settlement. Since the parties to the dispute have agreed to the aforesaid terms of settlement and they are in the workmen's interest, I give my award in terms of the above mentioned settlement which appear to be fair and reasonable.

A. G. QURESHI, Presiding Officer.

[No. L-22012(12)/80-D.IV(B)]

HARBANS BAHADUR, Desk Officer.

नई दिल्ली, 4 वि.सं. 1980

का. सं. 3587.—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 3 के उप-नियम (1) के खण्ड (क) धीरे (ख) के साथ पठित बीड़ी कर्मकार कल्याण निधि प्रविनियम, 1976 (1976 का 82) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार केन्द्रीय सलाहकार समिति गठित करती है, जिसके निम्नलिखित सदस्य होंगे, अर्थात् :—

1. प्रभार सचिव,
श्रम मंत्रालय । — अध्यक्ष
2. श्रम कल्याण महाविदेशक,
श्रम मंत्रालय । — उपाध्यक्ष

सरकार का प्रतिनिधित्व करने वाले सदस्य :

3. कल्याण आयुक्त,
श्रम कल्याण संगठन,
ए/2, 233, न्यू गमफोर्ड गंज,
इलाहाबाद ।
4. कल्याण आयुक्त,
श्रम कल्याण संगठन,
73, मिलरेस रोड,
बंगलौर ।
5. कल्याण आयुक्त,
श्रम कल्याण संगठन,
46, नरबदा रोड,
जबलपुर ।
6. कल्याण आयुक्त,
श्रम कल्याण संगठन,
प्लाट नं० 2136/3143, विवेकानन्द मार्ग,
भुवनेश्वर ।
7. कल्याण आयुक्त,
श्रम कल्याण संगठन,
जिलोक भवन, गांधी नगर,
सीलवाड़ा ।

अधिक संघों का प्रतिनिधित्व करने वाले सदस्य :

8. श्री एम० सी० दाता, अध्यक्ष,
भारत इंडिया बीड़ी सिगार एण्ड टोबाको
वर्कर्स फेडरेशन, 24, कैपिंग सेन,
नई दिल्ली ।
9. श्री प्रार० के० रत्नाकर, मंत्री,
भारत इंडिया बीड़ी सिगार एण्ड टोबाको
वर्कर्स फेडरेशन, 742, तोपखाना,
अहमदाबाद-414001
(महाराष्ट्र) ।
10. डा० जी० कसाबिराम, महामंत्री,
भारत इंडिया बीड़ी सिगार एण्ड टोबाको
वर्कर्स फेडरेशन,
6/157, मोडरे,
मद्रास-60001
11. श्री पी० कामन, उपाध्यक्ष,
सीटू, ट्रेड यूनियन हाउस,
कान्नामोर-2

12. श्री निजामुद्दीन,
सीटू की पश्चिम बंगाल राज्य समिति,
53, आचार्य जगदीश चन्द्र बोस रोड,
कलकत्ता ।

13. श्री एम० एम० अद्यानथाया, महामंत्री,
कनारा बीडी-एन्ड टोबाको वर्कर्स यूनियन,
के० एस० मार० एम० ट्रस्ट बिल्डिंग,
साइट हाऊस हिल रोड,
बंगलौर ।

नियोजक संगठनों का प्रतिनिधित्व करने वाले सदस्य :

14. श्री डी० बी० सारवा, अध्यक्ष,
माल इंडिया बीडी इन्डस्ट्री फेडरेशन,
नन्दिनी, नासिक-पुणे हाइवे,
नासिक ।

15. श्री मधुसूदन कुशे, अध्यक्ष,
कनारिक बीडी इन्डस्ट्री एसोसिएशन
मार्फत मैसर्स पी० बी० एम० बीडी प्राइवेट लिमिटेड,
कोडियलबल पी० बा० नं० 707,
मंगलौर-575003

16. श्री श्रवण कुमार पटेल (पार्टनर),
मैसर्स मोहन लाल हरगोविन्द बास,
जवाहर गंज,
जबलपुर (एम०) ।

17. श्री नैमकुमार पोरवाल, अध्यक्ष,
महाराष्ट्र बीडी उद्योग,
मार्फत मैसर्स प्यारबन्ध कैशरीमल पोरवाल,
बीडी निर्माता, कम्पटी,
नागपुर ।

18. श्री सुभाष साहा,
मैसर्स ईस्टर्न इंडिया बीडी मैन्यूफैक्चरर्स एसोसिएशन,
25/बी मदनमोहन ताला स्ट्रीट,
कलकत्ता-700005

19. श्रीमती किष्ण सारदा,
सलाहकार, यूनाइटेड बीडी कामगर कल्याण निधि,
महात्मा गांधी रोड,
नासिक ।

[सं० यू-23018/2/80-एम-5]

S.O. 3587.—In exercise of the powers conferred by Section 6 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with clauses (a) and (b) of sub-rule (1) of Rule 3 of Beedi Workers Welfare Fund Rules, 1978, the Central Government constitutes the Central Advisory Committee consisting of the following members, namely:—

- | | |
|---------------------------------------------------------------|---------------|
| (1) Additional Secretary,
Ministry of Labour | Chairman |
| (2) Director General
Labour Welfare,
Ministry of Labour | Vice-Chairman |
- Members representing Government:
- (3) Welfare Commissioner,
Labour Welfare Organisation,
A/2, 555 New Mumford Ganj,
Allahabad.

(4) Welfare Commissioner,
Labour Welfare Organisation,
75-Millers Road,
Bangalore.

(5) Welfare Commissioner,
Labour Welfare Organisation,
46 Narbada Road, Jabalpur.

(6) Welfare Commissioner,
Labour Welfare Organisation,
Plot No. 2156/5143, Vivekanand Marg,
Bhubneswar.

(7) Welfare Commissioner,
Labour Welfare Organisation,
Tirlok Bhavan, Gandhi Nagar,
Bhilwara.
Members representing Workers' Organisations

(8) Shri N.C. Dutta,
President,
All India Beedi, Cigar and
Tobacco Workers Federation,
24, Canning Lane,
New Delhi.

(9) Shri R.K. Ratnakar,
Secretary,
All India Beedi, Cigar & Tobacco
Workers Federation,
742, Top Khana,
Ahmednagar-414001. (Maharashtra)

(10) Dr. G. Kannabiran,
General Secretary,
All India Beedi, Cigar and Tobacco
Workers Federation,
6/157 Broadway,
Madras-600001.

(11) Shri G. Kannan,
Vice-President,
C.I.T.U. Trade Union House,
Cannanore-2.

(12) Shri Nizamuddin,
West Bengal State Committee of CITU,
53, Acharya Jagdish Chandra Bose Road,
Calcutta-16.

(13) Shri N.M. Adyanthaya,
General Secretary,
Kanara Beedi & Tobacco Workers Union,
KSRM Trust Building,
Light House Hill Road,
Bangalore.
Members representing Employers Organisations:

(14) Shri D.B. Sarda,
Chairman,
All India Bidi Industry Federation,
Nandni, Naisik-Pune Highway,
Nasik.

(15) Shri Madhusudan Kushe,
President, Karnataka Bidi
Industry Association,
C/o M/s. P.V.S. Bidis Pvt Ltd.,
Kodiyalballi, P.B. No. 707,
Mangalore-575003

(16) Shri Shrivankumar Patel (Partner),
M/s. Mohanki Hargovindas,
Jawaharganj, Jabalpur(MP).

- (17) Shri Nemkumar Porwal,
President,
Maharashtra Bidi Udyog,
C/o M/s. Pyarchand Kesharimal Porwal,
Bidi Manufacturers,
Kamptee, Nagpur.
- (18) Shri Subhash Saha,
M/s. Eastern India Bidi Manufacturers
Association, 25/B Madan Mohan Tala Street,
Calcutta-700005.
- (19) Smt. Kiran Sarda, Adviser,
Unt. Bidi Kamghar Kalyan Nidhi,
Mahatma Gandhi Road, Nasik.

[No. U/23018/2/80-MV]

नई दिल्ली, 5 दिसम्बर, 1980

क्र० आ० 3588.—केन्द्रीय सरकार (अन्नक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) की धारा 3 की उपधारा (4) के अनुसरण में, 31 मार्च, 1980 को समाप्त होने वाले वर्ष के दौरान अन्नक खान श्रम कल्याण निधि से विन-पोषित श्रियाकलापों की निम्नलिखित रिपोर्ट उस वर्ष के लेखा विवरण तथा उक्त निधि के वर्ष 1980-81 की प्राप्ति और व्ययों के प्राक्कलन सहित प्रकाशित करती है।

भाग-1

(1) सामान्य

अन्नक खान श्रम कल्याण निधि का गठन अन्नक खान श्रम कल्याण निधि अधिनियम, 1946 (1946 का 22) के अधीन अन्नक खान उद्योग में नियोजित श्रमिकों के कल्याण से संबंधित स्कीमों के वित्त पोषण के लिए किया गया है।

2. अधिनियम में, निर्यात की गई सभी अन्नक पर मूल्यानुसार मवा छः प्रतिशत की अधिकतम दर पर सीमाशुल्क के उद्ग्रहण के लिए उपबन्ध किया गया है। उपर की दर, जो कि पहले मूल्यानुसार 2½ प्रतिशत थी, 15 जुलाई, 1974 से 3½ प्रतिशत तक बढ़ा दी गई। संग्रहणों का आर्बेटन विभिन्न अन्नक उत्पादन करने वाले क्षेत्रों में उनके श्रोत उत्पादन के अनुपात में कल्याणकारी उपायों से संबंधित व्यय के लिए किया जाता है।

भाग-2

व्यवस्थित सुविधाएं

(क) चिकित्सा

अन्नक खान श्रम कल्याण संगठन द्वारा अन्नक श्रमिकों और उनके आश्रितों के लिए विभिन्न प्रकार की चिकित्सा सुविधाओं की निःशुल्क व्यवस्था की जाती है। उनके अन्तर्गत अस्पतालों, प्रसूति एवं शिशु कल्याण केन्द्रों का प्रावधान और अनुसंधान गृहोपचार सहित श्वरोग के उपचार की सुविधाएं, प्रायुर्वेदिक शोधालय सहित शोधालय सेवाएं और अन्य सुविधाएं शामिल हैं। रिपोर्ट से संबंधित वर्ष के दौरान अन्नक श्रमिकों और उनके आश्रितों के उपचार के लिए कल्याण संगठनों द्वारा निम्न-लिखित केन्द्रीय तथा क्षेत्रीय अस्पताल चलाए जाते रहे:—

क्रम संख्या	अस्पताल का नाम	पलंगों की संख्या
1	2	3
1.	केन्द्रीय अस्पताल कर्मा (बिहार)	100
2.	केन्द्रीय अस्पताल गंगपुर, (राजस्थान)	30
3.	केन्द्रीय अस्पताल, कालीचेडु, (आन्ध्र प्रदेश)	30

1018 GI/80—3

1	2	3
4.	क्षेत्रीय अस्पताल, तिमरी, (बिहार)	30
5.	क्षेत्रीय अस्पताल, तालपुर, (आन्ध्र प्रदेश)	10
6.	केन्द्रीय अस्पताल, कालीचेडु (आन्ध्र प्रदेश)	
	से संलग्न श्वरोग वार्ड	20
7.	श्वरोग अस्पताल, कर्मा बिहार	50
8.	क्षेत्रीय अस्पताल, सईदापुरम	10 (आहार के साथ)

इसके अलावा अन्नक उत्पादन करने वाले तीन राज्यों में निम्नलिखित अन्य प्रकार के चिकित्सा संस्थान भी लगानार कार्य करते रहे:—

चिकित्सा संस्थान का नाम	आन्ध्र प्रदेश	बिहार	राजस्थान	कुल
एलोपैथिक शोधालय	1	5	2	9
प्रायुर्वेदिक शोधालय	2	8	4	14
चलते-फिरते व स्थिर शोधालय	..	..	1	1
प्रसूति और शिशु कल्याण केन्द्र	4	..	3	7
चलते-फिरते चिकित्सालय एकक	1	3	..	4
होम्योपैथिक एकक	1	..	..	1
लघु समुदाय केन्द्र	..	5	..	5

कल्याण संगठन श्वरोग से पीड़ित श्रमिकों के उपचार के लिये पर्याप्त सुविधाओं की व्यवस्था करने का प्रयास करता रहा। श्वरोग अस्पतालों और क्लिनिकों की स्थापना के अलावा श्वरोग/सितिकीसिम से पीड़ित अन्नक श्रमिकों के विशेष उपचार की व्यवस्था करने के लिए श्वरोग सेनेटोरियम, मदार (मजमेर) में चार पलंग प्रारंभित किए गए। कल्याण निधि श्वरोग और छाती के रोगों के सरकारी अस्पताल, नेल्सोन में छः पलंगों का केवल अन्नक श्रमिकों और उनके परिवारों के प्रयोग के लिये प्रारंभण जारी रहा।

श्वरोग के ऐसे रोगी को 9 मास की अवधि तक के लिये 50 रुपये प्रतिमास का निर्वाह भत्ता दिया जाता है, यदि वह परिवार के लिये स्वयं भी कमाने वाला सदस्य हो।

विभिन्न चिकित्सा सुविधाएं

वातक बुधंटना लाभ योजना के अन्तर्गत, निधि ने श्रमिक की पत्नी को 250 रुपये की एक मुश्त अदायगी और पांच वर्ष की अवधि के लिये देय 25 रुपये प्रतिमास के भत्ते की अदायगी और प्रत्येक स्कूल जाने वाले बच्चे के लिए उसके 15 वर्ष के होने तक या विवाह करने तक, जो भी पहले हो, 15 रुपये की मासिक छात्रवृत्ति की अदायगी के रूप में वित्तीय सहायता देना जारी रखा। आलोच्य रिपोर्ट की अवधि के दौरान, योजना के अन्तर्गत आन्ध्र प्रदेश क्षेत्र में 4 मामलों में 3100 रुपये की राशि का भुगतान किया गया। बिहार क्षेत्र में, मृत श्रमिकों के 9 आश्रितों को 1740 रुपये की राशि की वित्तीय सहायता प्राप्त हुई और राजस्थान क्षेत्र में आलोच्य रिपोर्ट की अवधि के दौरान मृत श्रमिकों के दो आश्रितों को लाभों की मंजूरी दी गई।

आंध्र प्रदेश में 5-5-1979 को शुरु होम्योपैथ यूनिट कार्य करती रही। क्षेत्रीय अस्पताल, सईदापुरम में 1-7-79 से आहार वार्ड ने कार्य करना शुरू कर दिया है।

ऐसे रोगी भी, जिन्हें हक प्राप्त नहीं है, अन्नक खान श्रम कल्याण संगठनो द्वारा चलाए जा रहे अस्पतालों से उपचार प्राप्त करते हैं। उनके उपचार के लिए संबंधित राज्य सरकारों द्वारा निधि संगठनों को सहायता अनुदान दिया जाता है। आन्ध्र प्रदेश की सरकार ने आलोच्य रिपोर्ट की अवधि के दौरान सहायता अनुदान की राशि को 5,000 से बढ़ाकर 10,000 रुपये तक कर दिया है।

तेतुलमारी कोड़ अस्पताल में कोड़ से पीड़ित बिहार के अन्नक खनिकों के उपचार के लिए व्यवस्था जारी रही। केन्सर से पीड़ित अन्नक खनिकों के उपचार के लिए केन्द्रीय अस्पताल, कल्याण (आमनमोल) और रांची में कैंसर के मानसिक रोगों के अस्पताल में मानसिक रोगों से पीड़ित खनिकों के उपचार की व्यवस्था जारी रही। केन्सर से पीड़ित अन्नक खनिकों के उपचार की योजना के अन्तर्गत अस्पताल में पसलों के आरक्षणों की अनुमति दी गई है, जिसमें सामान्यतः 9 मास से अनाधिक अवधि के लिये मुफ्त उपचार की व्यवस्था की गई है और कुछ अपवाद वाले मामलों में यह अवधि 9 मास से अधिक हो सकती है, यदि उपचार कर रहे चिकित्सा प्राधिकारी ऐसा चाहते हैं।

अन्नक खान श्रमिकों को 20 रुपये प्रति ऐनक से अनाधिक लागत पर ऐनक सप्लाई की जाती है।

(ख) शिक्षा और मनोरंजन सुविधाएं

अन्नक श्रमिकों और उनके आश्रितों की शिक्षा और मनोरंजन सुविधाओं की व्यवस्था करने के लिए, कल्याण संगठनों द्वारा बहुदेशीय संस्थान चलाए जाते हैं। प्रत्येक संस्थान में एक प्रौढ़ शिक्षा केन्द्र और एक महिला कल्याण केन्द्र शामिल है। प्रौढ़ शिक्षा कार्यक्रमों का विस्तार करने हेतु कल्याण संगठन ने सहायक और प्रौढ़ शिक्षा केन्द्र भी खोले हैं। मनोरंजन के प्रयोजनार्थ अन्नक खान क्षेत्रों में रेडियो सेट स्थापित किए गए हैं और अन्नक खान धर्म कल्याण संगठनों के अन्तर्गत मनोरंजन क्लब, पुस्तकालय और रीडिंग क्लब कार्य कर रहे हैं। शिक्षा सुविधाओं की व्यवस्था करने हेतु कल्याण संगठनों द्वारा प्राथमिक स्कूल/मिडिल स्कूल/हाई स्कूल चलाए जा रहे हैं। इन सुविधाओं की व्यवस्था करने वाले संस्थानों की संख्या इस प्रकार है:—

क्रमोंक	संस्थाओं का व्योरा	ग्रामपंच प्रदेस	बिहार	राज-स्थान	कुल
1.	बहुदेशीय संस्थान (प्रौढ़ शिक्षा केन्द्र और महिला कल्याण केन्द्र सहित)	..	9	4	13
2.	लघु समुदाय केन्द्र	1	6	..	7
3.	प्राथमिक स्कूल	5	3	..	8
4.	मिडिल स्कूल	..	4	..	4
5.	हाई स्कूल	2	1	..	3
6.	सहायक केन्द्र	..	1	..	1
7.	खनिकों के बच्चों के लिए छात्रावास/होस्टल	2	4	1	7
8.	चलते फिरते सिनेमा एकक	1	3	1	5
9.	अन्नक खान क्षेत्रों में लगाए गए रेडियो सेट	39	16	8	63
10.	मनोरंजन क्लब	14	..	..	14
11.	भजन मंडली	9	..	9	9
12.	पुस्तकालय और वाचनालय	..	..	6	6

अन्नक खनिकों को भ्रमण एवं अध्ययन दौड़ों की सुविधाओं की भी वस्था की जाती है। चलते फिरते सिनेमा एकक के माध्यम से अन्नक खनिकों और उनके आश्रितों को शैक्षिक एवं धार्मिक महत्व की फिल्में दिखाई जाती हैं।

स्कूलों और कालेजों में अन्नक खनिकों के पढ़ रहे पुत्रों/पुत्रियों के अध्ययन के लिए छात्रवृत्तियां दी जाती हैं।

(ग) पेयजल की सुविधाएं

अन्नक खान क्षेत्रों में पेय जल की कमी एक चिरकालिक समस्या है। इस समस्या को हल करने के लिए कुएं खोदने की एक योजना प्रारम्भ की गई है। इस योजना के अन्तर्गत अनुमानित लागत का 75 प्रतिशत

या वास्तविक लागत का 75 प्रतिशत जो भी कम हो, मानिकों को कुएं खोदने के लिए दिया जाता है। ग्रामपंच प्रदेस के कार्मोनेज गांव में 1.42 लाख रुपये की अनुमानित लागत की एक स्थायी जल प्रदाय योजना की मंजूरी दी गई। यह योजना पूर्ण हो गई है और कार्य प्रारम्भ हो गया। 2,77,000/-रुपये की अनुमानित लागत की एक अन्य जल प्रदाय योजना, जिसका स्त्रोत कान्हेलरू नदी है, भी पूर्ण हो गई है। हनैकिटकल सविम कनेक्शन को छोड़ कर।

आलोच्य वर्ष के दौरान अन्नक खान श्रम कल्याण निधि, बिहार द्वारा "श्रिता लाभ के" आधार पर विभागीय टुक द्वारा पेय जल की व्यवस्था की गई।

(घ) आवास

दो आवास योजनाएं अर्थात् अपना मकान बनाओ योजना और कम लागत (टाइप 1) आवास योजना चल रही हैं।

अपना मकान बनाओ योजना के अन्तर्गत प्रत्येक मकान के लिए 1500/-रुपये की वित्तीय सहायता का भुगतान किया जाता है (600 रुपये आर्थिक सहायता के रूप में और मासिक किस्तों में बिना ब्याज के रूप में 900 रुपये, जो तीनों वर्षों से अनाधिक अवधि में वसूल किए जाएंगे) इस योजना के अन्तर्गत अब तक 625 मकानों को पूरा किया जा चुका है।

कम लागत (टाइप 1) आवास योजना के अन्तर्गत, साधारण क्षेत्रों में मानक अनुमानित लागत का 75 प्रतिशत है, जो 6825 रुपये है और कपास पैदा करने वाली काली या उमरी हुई भूमि वाले क्षेत्रों में 7825 रुपये या मकानों के निर्माण की वास्तविक लागत का 75 प्रतिशत, इनमें जो भी कम है, आर्थिक सहायता दी जाती है। कार्य प्रादेश जारी होने के साथ खान प्रबन्धकों को आर्थिक सहायता का 20 प्रतिशत प्रथम रूप में दिया जाता है। इस योजना के अन्तर्गत अब तक 56 मकानों का निर्माण किया जा चुका है।

इससे पूर्व विभागीय कलानी योजना के अन्तर्गत 120 मकान और आर्थिक सहायता प्राप्त आवास योजना की पुरानी योजना के अन्तर्गत 6 मकान बनाए गए थे।

अन्नक खनिकों के लिए मकानों के निर्माण की गति को तेज करने के लिए केन्द्रीय सलाहकार बोर्ड द्वारा एक आवास उप-समिति गठित की गई है ताकि इस योजना को खान प्रबन्धकों को अधिक स्वीकार्य हो सके।

(ङ) उपभोक्ता सहकारी मंडार

दो उपभोक्ता सहकारी मंडार एक ग्रामपंच प्रदेस में और एक बिहार में श्रमिकों के लिए प्रतिदिन की आवश्यक वस्तुओं की उचित दर पर व्यवस्था करने के लिए कार्य कर रहे हैं।

भाग 3

वर्ष 1979-80 की प्राप्तियां और व्यय इस प्रकार हैं:—

प्राप्तियां	
पहली अप्रैल, 1979 को अग्र शेष	25,42,158.09
वर्ष 1979-80 के दौरान प्राप्तियां	1,12,62,943.05
कुल	11,38,05,101.14
वर्ष 1979-1980 के दौरान व्यय	74,79,866.04
31 मार्च, 1980 को अग्र शेष	63,25,235.10

भाग-चार

वर्ष 1980-81 के लिए अनुमानित प्राप्तियां और व्यय	
बजट अनुमान	(रुपये लाखों में)
प्राप्तियां	120.00 रुपये
व्यय	80.72 रुपये

[फा० सं० जे० 16016/1/80-एम० III]

New Delhi, the 5th December, 1980

S.O. 3588.—In pursuance of sub-section (4) of section 3 of the Mica Mines Labour Welfare Fund Act, 1946 (XXII of 1946) the Central Government hereby publish the following report of the activities financed from the Mica Mines Labour Welfare Fund during the year ending 31st March, 1980 together with a statement of accounts for that year and an estimate of receipts and expenditure of the said fund for the year 1980-81.

PART I**1. General**

The Mica Mines Labour Welfare Fund has been constituted under the Mica Mines Labour Welfare Fund Act, 1946 (22 of 1946) for financing schemes relating to the Welfare of Labour employed in the mica mining industry.

2. The Act provides for the levy of a duty of customs, on all mica exported, upto a maximum rate of $6\frac{1}{2}$ per cent ad-valorem. The rate of cess which was $2\frac{1}{2}$ per cent ad-valorem previously has been increased to $3\frac{1}{2}$ per cent with effect from the 15th July, 1974. The collections are allocated for expenditure on welfare measures among the various mica producing areas in proportion to their average production.

PART II**FACILITIES PROVIDED****A. Medical**

Various types of medical facilities for mica workers and their dependents are provided free of cost by the Mica Mines Labour Welfare Organisations. These include provision and maintenance of hospitals, maternity and child welfare centres facilities for treatment of T.B. including domiciliary treatment, dispensary services including Ayurvedic Dispensaries and other facilities etc. The following Central and Regional hospitals continued to be maintained by the Welfare Organisations for the treatment of mica miners and their dependents during the year under report

S. No.	Name of the Hospital	Bed Strength
1	2	3
1.	Central Hospital, Karma (Bihar)	100
2.	Central Hospital, Gangapur (Rajasthan)	30
3.	Central Hospital, Kalichedu (Andhra Pradesh)	30
4.	Regional Hospital, Tisri (Bihar)	30
5.	Regional Hospital, Talupur (Andhra Pradesh)	10
6.	T.B. Ward attached to Central Hospital, Kalichedu (Andhra Pradesh)	20
7.	T.B. Hospital, Karma (Bihar)	50
8.	Regional Hospital, Sydapuram	10

(Dietary)

In addition, the following other medical institutions also continued to function in the three mica producing States :—

Medical Institutions	Andhra Pradesh	Bihar	Rajasthan	Total
1	2	3	4	5
Allopathic Dispensaries	1	5	3	9
Ayurvedic Dispensaries	2	8	4	14
Mobile-cum-Static Dispensaries	..	..	1	1
Maternity and Child Welfare Centres	4	..	3	7
Mobile Medical Unit	1	3	..	4
Homeopathic Unit	1	..	..	1
Small Community Centres	..	5	..	5

The Welfare Organisations have been endeavouring to provide adequate facilities for treatment of the miners suffering from T.B. Apart from setting up of T.B. Hospitals and clinics, four beds remained reserved at T.B. Sanatorium, Madar (Ajmer) for providing specialised treatment to mica miners suffering from T.B./Silicosis. Six beds in the Govt. Welfare Fund T.B. & Chest Disease Hospital, Nellore continued to be reserved for the exclusive use of mica miners and their families.

A subsistence allowance of Rs. 50/- per month is granted to a T.B. patient for a period upto 9 months where he happens to be the only earning member of the family.

Miscellaneous Medical facilities

Under the Fatal Accident Benefit Scheme the Fund continued to provide financial assistance to the spouse of a miner in the form of a lumpsum payment of Rs. 250/- and a monthly allowance of Rs. 25/- payable for a period of five years and a monthly scholarship of Rs. 15/- payable in respect of each school going child till he/she attains the age of 15 or is married whichever is earlier. During the period under report, an amount of Rs. 3,100/- was paid under the scheme to 4 cases in Andhra Pradesh region. In Bihar region 9 dependents of the deceased received financial help amounting to Rs. 1,740/- and in Rajasthan region two dependents of the deceased were sanctioned benefits during the period under report.

The Homeopathy Unit which was started on 5-5-1978 in Andhra Pradesh is continuing. Diet Ward has since been started at Regional Hospital, Sydapuram w.e.f. 1-7-79. The non-entitled patients also get treatment from the hospitals run by the Mica Mines Labour Welfare Organisations. For their treatment Grant-in-aid is paid by the concerned State Govts. to the Fund Organisations. The Government of Andhra Pradesh have enhanced the Grant-in-aid from Rs. 5,000/- to Rs. 10,000/- during the period under Report.

Arrangements continued for the treatment of mica miners of Bihar suffering from Leprosy at the Tetulmari Leprosy Hospital. For the treatment of mica miners suffering from cancer arrangements continued at the Central Hospital, Kalla (Asansol) and for mental diseases at the Mental Hospital, Kanki, Ranchi. Under the scheme for the treatment of mica miners suffering from cancer reservation of beds in a hospital have been allowed which provides free treatment generally for a period not exceeding 9 months and in exceptional cases this period can be more than 9 months if the treating medical authority so desires.

Spectacles are supplied to the Mica mine Workers at a cost of not exceeding Rs. 20/- per spectacle.

B. Educational and Recreational facilities

For providing education and recreational facilities to mica workers and their dependents, various Multipurpose Institutes, each comprising of an Adult Education Centre and Women's Welfare Centre, are run by the Welfare Organisations. In order to expand the Adult Education activities, Feeder and Adult education Centres have also been opened by the Welfare Organisations. For recreational purposes Radio Sets have been installed in mica mining areas and recreation clubs as well as Library and reading rooms have been functioning under the Mica Mines Labour Welfare Organisations. In order to provide educational facilities, Primary Schools/Middle Schools/High

Schools are run by the Welfare Organisations. The number of institutions providing the above facilities areas under :—

S. No.	Particulars of institutions	Andhra Pradesh	Bihar	Rajasthan	Total
1	2	3	4	5	6
1.	Multipurpose Institutes (with an Adult Education Centre and Women's Welfare Centre)	—	9	4	13
2.	Small Community Centres	1	6	—	7
3.	Primary Schools	5	3	—	8
4.	Middle Schools	—	4	—	4
5.	High Schools	2	1	—	3
6.	Feeder Centre	—	1	—	1
7.	Boarding Houses/Hostels for miners' children	2	4	1	7
8.	Mobile Cinema Units	1	3	1	5
9.	Radio Sets installed in mica mining areas	39	16	8	63
10.	Recreation Clubs	14	—	—	14
11.	Bhajana Mandahes	9	—	—	9
12.	Library & reading rooms	—	—	6	6

Facilities for excursion-cum-study tour are also provided to the mica miners. Films of educational and religious value are exhibited among the mica miners and their dependents through a mobile cinema unit.

Scholarships are awarded to the sons/daughters of mica miners studying in schools and colleges for their studies.

(C) Drinking Water facilities

Scarcity of drinking water is a chronic problem in mica mining areas. With a view to resolve this problem a scheme for sinking of wells has been introduced. Under this Scheme 75% of the estimated cost of 75 per cent or the actual cost whichever is less is paid to the mine owners for sinking wells. In Kalichedu village in Andhra Pradesh, a permanent water supply scheme which was sanctioned at an estimated cost of Rs. 1.42 lakhs has since been completed and commissioned. The work of another water supply scheme taking its source from Kandleruriver estimated at a cost of Rs. 2,77,000/- has been also completed except for electrical service connection.

Supply of drinking water on departmental truck on 'No profit no loss' basis was arranged by the Mica Mines Labour Welfare Fund, Bihar, during the year under report.

(D) Housing—Two Housing Schemes viz.

Build Your Own House Scheme & Low Cost (Type I) Housing Scheme, are in vogue.

Under Build Your Own House Scheme financial assistance to the tune of Rs. 1500/- per tenement (Rs. 600/- in the form of subsidy and Rs. 900/- in the form of interest free loan recoverable in monthly instalments agreed over a period not exceeding 9 years) is paid. 625 houses have so far been completed under this Scheme.

Under Low Cost (Type I) Housing Scheme subsidy payable is 75% of standard estimated cost which is Rs. 6,825/ in ordinary areas and Rs. 7825 in black cotton or swelly soil areas or 75% of actual cost of construction of houses, whichever is less 20% of the subsidy is payable in advance to the mine management with the issue of the work order. 56 Houses have so far been built under this Scheme.

Earlier 120 houses were built under the Departmental Colony Scheme and another 6 houses under old subsidized housing scheme were built.

With a view to accelerate the terms of construction of houses for mica miners a housing sub-committee has been constituted by Central Advisory Board to make the Scheme more acceptable to mine managements.

(E) Consumers Co-operative Stores:

Two Consumer Co-operative Stores one each in Andhra Pradesh and Bihar have been functioning to provide the workers their daily necessities at reasonable rates.

PART III

The receipts and expenditure for the year 1979-80 are as follows:

Receipts:

Opening balance as on 1st April, 1979	Rs. 25,42,158.09
Receipts during the year 1979-80	Rs. 1,12,62,943.05
Total:	Rs. 1,38,05,101.14

Expenditure during the year 1979-80	Rs. 74,79,866.04
Closing balance as on 31st March, 1980.	Rs. 63,25,235.10

PART IV

Estimated receipts and expenditure for the year 1980-81

Budget Estimates	(Rs. in lakhs)
Receipts	Rs. 120.00
Expenditure	Rs. 80.72

[F. No. Z-16016/1/80-M.III]

नई दिल्ली, 6 दिसम्बर, 1980

का० आ० 3589—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 16 और नियम 3 के उप-नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, आन्ध्र प्रदेश राज्य के लिए एक सलाहकार समिति गठित करती है, जिसके निम्नलिखित सदस्य होंगे और उक्त समिति का मुख्यालय निर्धारित करती है, अर्थात् :—

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1. श्रम और रोजगार मंत्री,
आन्ध्र प्रदेश सरकार,
हैदराबाद। | अध्यक्ष |
| 2. कल्याण प्राधुक्त,
श्रम कल्याण संगठन,
श्रम मंत्रालय,
75, मिलरस रोड, बंगलौर। | उपाध्यक्ष
(पदेन) |
| 3. संयुक्त अध्यायक,
आन्ध्र प्रदेश सरकार,
हैदराबाद। | सदस्य
(पदेन) |
| 4. श्री बी० बल्लूया, विधान सभा सदस्य,
2-1-106/1, भारत रोड, कामरेडु। | |
| 5. श्री मालिलाल उपाध्याय
एच० पी० एन्ड क० बीड़ी मैनुफैक्चरिंग,
पायलपेट, निजामाबाद। | } नियोजकों के
प्रतिनिधि |
| 6. श्री पी० आर० माधव राव,
मैनेजिंग पार्टनर,
मेसर्स पी० बी० रामचन्द्र राव,
बीड़ी फैक्टरी, श्रीकालाहस्ती (आन्ध्र प्रदेश)। | |
| | |

7. श्री पुड़ी अप्पास्वामी,
अध्यक्ष,
बीड़ी एन्ड सिगार वर्कर्स यूनियन,
अल्लु (आन्ध्र प्रदेश)
8. श्री के० अनन्था रेड्डी,
अध्यक्ष, बीड़ी मजदूर संघ,
निजामाबाद
9. श्रीमती गुन्तका राधा बाई,
बीड़ी रोलर,
दुर्गा बीड़ी फैक्टरी,
गोल हनुमान टैम्पल, निजामाबाद
2. केन्द्रीय सरकार उक्त समिति का मुख्यालय बंगलौर निर्धारित करती है।

श्रमिकों के प्रतिनिधि।

महिला सदस्य

[सं० एम-24019/14/78-एम-5]

New Delhi, the 6th December, 1980

S.O. 3589.—In exercise of the powers conferred by Section 5 of the Beedi Workers Welfare Fund Act, 1976 (Act 62 of 1976) read with sub-rule (2) of Rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes an Advisory Committee for the State of Andhra Pradesh consisting of the following members and fixes the headquarters of the said Committee namely:—

- | | |
|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| (1) Minister for Labour & Employment
Government of Andhra Pradesh,
Hyderabad. | Chairman |
| (2) Welfare Commissioner,
Labour Welfare Organisation
Ministry of Labour,
75, Millers Road,
Bangalore. | Vice-Chairman
Ex-officio |
| (3) Joint Commissioner of Labour
Government of Andhra Pradesh,
Hyderabad. | Member
(Ex-officio) |
| (4) Shri B. Balaiah,
MLA.,
2-1-106/1, Bharat Road,
Kamareddi | |
| (5) Shri Malilal Upadhyay,
H.P. & Co. Beedi Manufacturers,
Gajalpet, Nizamabad. | Employers' representative. |
| (6) Shri P.R. Madhav Rao,
Managing Partner,
M/s. P.V. Ramaehander Rao,
Beedi Factory,
Srikalahasti (Andhra Pradesh) | |
| (7) Shri Pudi Appalaswamy,
President,
Beedi and Cigar Workers, Union,
ELURU (Andhra Pradesh) | Workers' representative. |
| (8) Shri K. Anantha Reddy,
President,
Beedi Mazdoor Sangh,
Nizamabad. | |
| (9) Smt. Guntaka Radha Bai,
Beedi Roller,
Durga Beedi Factory,
Gole Hanuman Temple Nizamabad | Women Member. |

2. The Central Government fixes Bangalore to be the headquarters of the said Committee.

[No. S. 24019/14/78-M.V.]

क्र० आ० 3590—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 16 और नियम 3 के उप-नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, केरल राज्य के लिए एक मलाहकार समिति गठित करती है, जिसके निम्न-लिखित सदस्य होंगे और उक्त समिति का मुख्यालय निर्धारित करती है, अधीन:—

- | | |
|-----------------------------------------------------------------------------------------------------|--------------------------|
| 1. श्रम मंत्री,
केरल सरकार,
त्रिवेन्द्रम। | अध्यक्ष |
| 2. कल्याण आयुक्त,
श्रम कल्याण संगठन,
श्रम मंत्रालय,
75 मिलर्स रोड, बंगलौर। | उपाध्यक्ष
(पदेन) |
| 3. श्रम आयुक्त,
केरल सरकार,
त्रिवेन्द्रम। | सदस्य
(पदेन) |
| 4. श्री कडम्मापल्ली विश्वनाथ सभा सदस्य,
त्रिवेन्द्रम। | सदस्य |
| 5. श्री एन० पी० राधाकृष्णन,
मंत्री, केरल दिनेश बीड़ी वर्कर्स कोऑपरेटिव सोसायटी, कन्नूर। | नियोजकों के
प्रतिनिधि |
| 6. श्री रामोदरन,
साधू बीड़ी बैयरहाऊस,
कन्नूर। | |
| 7. श्री सी० कानन, अध्यक्ष,
टोबाको वर्कर्स यूनियन, सीट्टु,
कन्नूर। | श्रमिकों के
प्रतिनिधि |
| 8. श्री पी० नारायणन, सेक्रेटरी,
कन्नोर डिस्ट्रिक्ट नेशनल बीड़ी
वर्कर्स यूनियन (इन्टक) कन्नूर। | |
| 9. श्रीमती एन० के० नन्दिनी, असीकोडन
मेमोरियल बिल्डिंग, कन्नूर। | महिला सदस्य |

2. केन्द्रीय सरकार उक्त समिति का मुख्यालय बंगलौर निर्धारित करती है।

[सं० एम-24019/14/78-एम-5]

S.O. 3590.—In exercise of the powers conferred by Section 5 of the Beedi Workers Welfare Fund Act, 1976 (Act 62 of 1976) read with sub-rule (2) of rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes an Advisory Committee for the State of Kerala consisting of following members and fixes the headquarters of the said Committee namely:—

- | | |
|------------------------------------------------------------------------------------------------------------------|-------------------------------|
| (1) Labour Minister,
Government of Kerala, Trivandrum | Chairman |
| (2) Welfare Commissioner,
Labour Welfare Organisation,
Ministry of Labour,
75, Millers Road, Bangalore. | Vice-Chairman
(Ex-officio) |
| (3) Labour Commissioner,
Government of Kerala, Trivandrum | Member
(Ex-officio) |
| (4) Shri Kadannappally, MLA,
Trivandrum | Employers' representative |

(5) Shri N. P. Radhakrishnan,
Secretary,
Kerala Dinesh Beedi Workers
Co-operative Society, Cannanore

Employers
representative

(6) Shri Damodaran,
Sadhoo Beedi Warehouses,
Cannanore.

(7) Shri C. Kannan,
President,
Tobacco Workers Union, CITU,
Cannanore.

(8) Shri P. Narayanan,
Secretary,
Cannanore District National Beedi
Workers Union (INTUC) Cannanore

Workers'
representative.

(9) Smt. N.K. Nandini,
Azhikodan Memorial Building,
Cannanore.

Women member.

2 The Central Government fixes Bangalore to be the headquarters of the said Committee.

[No S-24019/14/78-M.V.]

क्रा० आ० 3591—बीड़ी कर्मकार कल्याण निधि नियम, 1978 के नियम 16 और नियम 3 के उप-नियम (2) के साथ पठित बीड़ी कर्मकार कल्याण निधि अधिनियम, 1976 (1976 का अधिनियम 62) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, तमिलनाडु, राज्य के लिए एक एक सलाहकार समिति गठित करती है, जिसके निम्नलिखित सदस्य होंगे और उक्त समिति का मुख्यालय निम्नलिखित करती है, अर्थात् —

1. श्रम मंत्री,
तमिलनाडु सरकार,
मद्रास ।

अध्यक्ष

2. कल्याण आयुक्त, श्रम
कल्याण संगठन,
श्रम मंत्रालय,
75 मिलर्स रोड,
बंगलौर ।

उपाध्यक्ष

3. उप श्रमयुक्त,
मद्रास ।

4. श्री डी० कुलसेकरपांडियान,
विधान सभा सदस्य,
बनियामबाडी,
15, सेनानकुप्पट्टु रोड,
अम्बर, नोर्थ आर्कोट जिला ।

5. श्री ए० मोहम्मद आशीफ,
पार्टनर मैसर्स ए० हमादुर रेहमान सन्स
बीड़ी मैन्युफैक्चरर्स,
गुडियथम

6. श्री टी० ई० एस० बटगुरबानी,
सप्रेड, बीड़ी कम्पनी,
मिन्डुपुनदुराई, तिरुनेलवेली

योजकों के
प्रतिनिधि

7. श्री एस० वाम्भीराजन,
11-ए, रेलवे फीडर रोड,
पलायामोताई, तिरुनेलवेली

कर्मचारियों के
प्रतिनिधि

8. डा० जी० कन्नाबिरान,
जनरल सेक्रेटरी, आल इंडिया बीड़ी
मिगार एन्ड बीड़ी वर्कर्स फेडरेशन,
नोर्थ आर्कोट ।

कर्मचारियों के
प्रतिनिधि

9. श्रीमती नूरजहान रजक, ससद सदस्य,
1/61, पिदारार कोइल स्ट्रीट,
मद्रास ।

महिला प्रतिनिधि

2. केन्द्रीय सरकार उक्त समिति का मुख्यालय बंगलौर निम्नलिखित करती है ।

[सं० एम/24019/14/78-एम-5]

जगदीश प्रसाद, अवर सचिव

S O 3591—In exercise of the powers conferred by Section 5 of the Beedi Workers Welfare Fund Act, 1976 (62 of 1976) read with sub-rule (2) of rule 3 and rule 16 of the Beedi Workers Welfare Fund Rules, 1978, the Central Government hereby constitutes an Advisory Committee for the State of Tamil Nadu consisting of following members and fixes the headquarters of the said Committee namely:—

(1) Labour Minister,
Government of Tamil Nadu
Madras.

Chairman

(2) Welfare Commissioner,
Labour Welfare Organisation,
Ministry of Labour,
75, Millers Road, Bangalore.

Vice-Chairman

(3) Deputy Commissioner of Labour
Government of Tamil Nadu, Madras

Member
Ex-officio

(4) Shri D. Kulasekarapandian, M.L.A.
Vaniyambadi,
15, Sanankuppam Trunk Road,
Ambar, North Arcot, District (Tamil Nadu)

(5) Shri A. Mohamed Ashrof,
Partner M/s. A. Habeebur Rahman
Sons,
Beedi Manufacturers, Guidyatham
(6) Shri T.E.S. Batgurbani,
Sayadu Beedi Company,
Sindupoonduar, Tirunelveli.

Employer's
representative

(7) Shri S. Vambujan,
11-A, Railway Feeder Road,
Palayamotai, Tirunelveli.

(8) Dr. Kannabiran,
General Secretary,
All India Beedi Cigar and Beedi
Workers Federation, North Arcot,
Brahmin Street, Gudiyatham Post,
North Arcot District Pin. 632602

Workers' represen-
tative

(9) Smt. Noorjahan Razak, M.P.
1/61, Pidarlar Koil Street,
Madras-600001.

Women
representative

The Central Government hereby fixes Bangalore to be the headquarters of the said Advisory Committee.

[No. S-24019/14/78-M.V.
JAGDISH PRASAD, Under Secy

नई दिल्ली, 5 दिसम्बर, 1980

क्रा० आ० 3592—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और प्रदीर्घ उपपन्थ अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (4) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए,

भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० प्रा० 3502, तारीख 16 दिसम्बर, 1976 के अधीन मैसर्स ओरिएंट लॉन्गमैन लिमिटेड, 3/5, आसफ अली रोड, नई दिल्ली को दी गई छूट को विरुद्धित करती है, जो तुरन्त प्रभावी होगा।

[स० एन-35023/1/79-पी० एफ-2]

New Delhi, the 5th December, 1980

S.O. 3592.—In exercise of the powers conferred by clause (a) of sub-section (4) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby rescind with immediate effect, the exemption granted to Messrs Orient Longman Limited, 3/5, Asaf Ali Road, New Delhi, under the notification of the Government of India in the Ministry of Labour Number S.O. 3502 dated the 16th September, 1976.

[No. S-35023(1)/79-PF. II]

नई दिल्ली, 5 दिसम्बर, 1980

का० प्रा० 3593.—मैसर्स अजीत मिल्स लिमिटेड, अहमदाबाद (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है।

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी, कोई पृथक् अभिदाय या प्रीमियम का संदाय किए बिना ही, भारतीय जीवन बीमा निगम की समूह बीमा स्कीम के अधीन जीवन बीमा के रूप में फायदा उठा रहे हैं और ऐसे कर्मचारियों के लिए ये फायदे उन फायदों से अधिक अनुकूल हैं जो कर्मचारी निक्षेप से सम्बन्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन उन्हें अनुश्रेय है ;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए, उक्त स्थापन को, 1 मार्च, 1980 से 28 फरवरी, 1982 तक उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के संबंध में नियोजक प्रादेशिक भविष्य निधि आयुक्त, अहमदाबाद को ऐसी विवरणियाँ भेजेगा, ऐसे लेखा रखेगा और निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार, समय-समय पर निदिष्ट करे ;

2. नियोजक, ऐसे निरीक्षण प्रभारों का प्रत्येक माम की समाप्ति से 15 दिन के भीतर संदाय करेगा जो केन्द्रीय सरकार, समय-समय पर उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन निदिष्ट करे।

3. समूह बीमा स्कीम के प्रणालय में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का संदाय लेखाओं का अंतरण, निरीक्षण प्रभारों का संदाय आदि भी है, होने वाले सभी व्ययों का बहुत नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित समूह बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए तब उस संशोधन की एक प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उनकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पत्र पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले से सदस्य है, उक्त स्थापन में नियोजित किया जाता है तो, नियोजक समूह बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को संदत्त करेगा।

6. यदि उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक, समूह बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए समूह बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हो जो उक्त स्कीम के अधीन अनुश्रेय है।

7. समूह बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन संदेय रकम उस रकम से कम है तो उस कर्मचारी की दशा में संदेय होती जब वह उक्त स्कीम के अधीन होगा तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिकर के रूप में दोनों रकमा के अंतर के बराबर रकम का संदाय करेगा।

8. समूह बीमा स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, अहमदाबाद के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो यहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना दृष्टिकोण स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस समूह बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है अधीन नहीं रह जाते हैं, या इस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द कर दी जायेगी।

10. यदि किसी कारणवश, नियोजक उस नियत तारीख के भीतर जो भारतीय जीवन बीमा निगम नियत करे, प्रीमियम का संदाय करने में असफल रहता है, और पानिसी को व्ययगत हो जाने बिना जाता है तो, छूट रद्द कर दी जाएगी।

11. यदि नियोजक, प्रीमियम के संदाय, आदि में कोई व्यतिक्रम करता है तो, उन मूल समस्याओं के नाम निर्देशितियों या विधिक वारिसों के, जो वह छूट न हो जाने की दशा में उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के संदाय का उत्तरदायित्व नियोजक पर होगा।

12. उक्त स्थापन के संबंध में नियोजक, इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर, उसके हकदार नाम निर्देशितियों/विधिक वारिसों को बीमाकृत रकम का संदाय तत्परता से और प्रत्येक बरा में भारतीय जीवन बीमा निगम से बीमाकृत रकम प्राप्त होने के सात दिन के भीतर सुनिश्चित करेगा।

व्याख्यात्मक स्थापन

इस मामले में पूर्वपक्षी प्रभाव से छूट बेनी आवश्यक हो गई है, क्योंकि छूट के लिए प्राप्त आवेदन पत्र की कार्रवाई पर समय लगा। तथापि यह प्रमाणित किया जाता है कि पूर्वपक्षी प्रभाव से छूट देने से किसी के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[संख्या एम० 35014(26)/80-पी० एफ० II]

नवीन चावला, उप सचिव

New Delhi, the 5th December, 1980

S.O. 3593.—Whereas Messrs The Ajit Mills Limited, Ahmedabad (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscel-

laneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such than the benefits admissible under the Employees Deposit-Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts with effect from 1st March, 1980 and upto 28th February, 1982 the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Ahmedabad, maintain such accounts and provide for such facilities for inspection, as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act, within 15 days from the close of every month

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges, etc. shall be borne by the employer.

4. The employer shall display, on the Notice Board of the establishment, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Where an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment exempted under the said Act, is employed in his establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced, so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this Scheme be less than the amount that would be payable had employee been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme shall be made without the prior approval of the Regional Provident Fund Commissioner Ahmedabad and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the establishment, or the benefits to the employees under this Scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any, made by the employer in payment of premium etc., the responsibility for payment of assurance benefits to the nominee or legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, will be that of the employer.

12. Upon the death of the member covered under the Scheme the employer in relation to the said establishment shall ensure prompt payment of the sum assured to the nominee/legal heirs entitled for it and in any case within 7 days of the receipt of the sum assured from the Life Insurance Corporation of India.

Explanatory Memorandum

It has become necessary to give retrospective effect to the exemption in this case, as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-35014/26/80-PF.II]

NAVIN CHAWLA, Dy. Secy.

नई दिल्ली, 5 दिसम्बर, 1980

का० आ० 3594 राज्य सरकारने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) के अनुसरण में श्री पी० मुरारी के स्थान पर श्री टी० वी० वासुदेवन, आयुक्त और सचिव, तमिल नाडु सरकार, मद्रास को कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए नामनिर्दिष्ट किया है ;

अतः अब केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में भारत सरकार के श्रम मन्त्रालय की अधिसूचना संख्या का० आ० 850-अ दिनांक 21 अक्टूबर 1980 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, “ (राज्य सरकार द्वारा धारा 1 के खण्ड (घ) के अधीन नामनिर्दिष्ट) ” शीर्षक के नीचे मरा 24 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री टी० वी० वासुदेवन,
आयुक्त और सचिव,
तमिल नाडु सरकार,
श्रम और रोजगार विभाग
मद्रास।”

[संख्या ग-16012/13/80-एन० आई]

अनुप पुनन, उप सचिव

New Delhi, the 5th December, 1980

S.O. 3594.—Whereas the State Government of Tamil Nadu has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri T. V. Vasudevan, Commissioner and Secretary to the Government of Tamil Nadu, Madras to represent that State on the Employees' State Insurance Corporation in place of Shri P. Murari;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 850(E) dated the 21st October, 1980 namely :—

In the said notification, under the heading “(Nominated by the State Governments under clause (d) of section 4)”,

for the entry against serial number 24, the following entry shall be substituted, namely :—

"Shri T. V. Vasudevan,
Commissioner & Secretary
to the Government of Tamil Nadu,
Labour & Employment Department,
MADRAS".

[No. U-16012/13/80-HI]
A. POONEN, Dy. Secy.

आवेदन

नई दिल्ली, 6 दिसम्बर, 1980

का० आ० 3595—राजस्थान एटामिक पावर प्रोजेक्ट प्रणुशक्ति, बाया कोटा के प्रबंधमंडल से सम्बद्ध नियोजकों और उनके कर्मचारों ने, जिनका प्रतिनिधित्व राजस्थान प्रणुशक्ति परियोजना कर्मचारी संघ, राबटमंड ने किया है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) के अधीन संयुक्त रूप से केन्द्रीय सरकार को धावेदन किया है कि वह उनके बीच विद्यमान औद्योगिक विवाद को, जो उक्त धावेदन में उपस्थित और इससे उपाबद्ध प्रमुखी में उद्धृत विषयों के बारे में है, किसी औद्योगिक अधिकरण को निर्दिष्ट कर दें;

और केन्द्रीय सरकार का समाधान हो गया है कि धावेदन करने वाले व्यक्ति प्रत्येक पक्षकार के बहुमत का प्रतिनिधित्व करते हैं ;

अतः अब, केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (2) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए उक्त विवाद को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली को व्याप-निर्णयन के लिए निर्दिष्ट करती है ।

अनुसूची

निम्नलिखित पर विचार करते हुए मोटर गाड़ी ड्राइवरों और बस ड्राइवरों के लिए प्रतिकाशिक भत्ते की दर क्या होनी चाहिए :—

- (क) 17 नवम्बर, 1971 के समझौते की समाप्ति ;
- (ख) सर्वोच्च न्यायालय का 18 दिसम्बर, 1975 का फैसला ;
- (ग) परमाणु ऊर्जा विभाग के कार्यालय ज्ञापन सं० 6/9(4)/76-पी० तारीख 4 जनवरी, 1979 में यथा अधिकृत विभाग के विभिन्न एककों में सेवा शर्तों की एकरूपता की आवश्यकता ।

[सं० एल-42011(9)/80-डी-II(बी)]

New Delhi, the 9th December, 1980

S.O. 3596.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Delhi, in the industrial dispute between the employers in relation to the management of Indian Airlines, New Delhi and their workmen, which was received by the Central Government on the 1st December, 1980.

BEFORE SHRI MAHESH CHANDRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI.

I.D. No. 62 of 1977

Shri S. M. Aggarwal, 7, Gopi Bhavan, Doctors Lane, Gole Market, New Delhi-110001.—Petitioner.

Versus

The Regional Director, Indian Airlines, Thapar House, 124, Janpath, New Delhi-110001.—Respondent.

PRESENT :

Shri Rameshwar Dayal, Advocate for the workman
Shri O. C. Mathur, Advocate—for the Management.

1018 GI/80—4

AWARD

The Central Government as appropriate Government vide its order No. L-11011/21/74/LR/III dated the 22nd March, 1975 referred an Industrial Dispute in the following terms to Industrial Tribunal, Delhi :

Is the management of Indian Airlines, New Delhi justified in terminating the services of Shri S. M. Aggarwal, Traffic Assistant, with effect from 26-5-1972? If not, to what relief is he entitled?

2. On receipt of the reference it was ordered to be registered and notices were sent to the parties whereupon a statement of claim was filed on 8th May, 1975. A written statement was filed by the Corporation on 13th July, 1975 and finally a replication was filed on 8th of August, 1975 and on the pleadings of the parties the following issues were framed by Shri D. D. Gupta, Industrial Tribunal, Delhi for trial :

1. Whether this Tribunal lacks jurisdiction for reason stated in the preliminary objection taken in the w.s.
2. As in the term of reference.

The case was thereafter adjourned for evidence but an application for amendment of the written statement was filed by the Corporation and the said amendment was allowed vide order dated the 19th November, 1975 and amended written statement was filed and the workman was directed to file its rejoinder which was filed on 24th November, 1975. No fresh issues were framed and the case was adjourned for evidence of the Management and three witnesses of the Management were in fact recorded as M.W. 1 to M.W. 3 and documents Ex. M-1 to Ex. M-13 were exhibited. The case was then adjourned for evidence of the workman. In the meanwhile Shri D. D. Gupta relinquished charge as Industrial Tribunal, Delhi and in May, 1977 this case was transferred to this Tribunal and it was registered and notices were issued to the parties and after the parties appeared the case was adjourned for remaining evidence of the Management. On 14th October, 1977 Shri Davinder Singh, the counsel for the Corporation stated that 'I close the evidence of the Management.' The case was then adjourned for evidence of the workman. Evidence of the workman was completed on 3rd January, 1978 and case was adjourned for arguments. Before arguments could be heard the learned counsel for the parties came forward with a joint statement which was recorded on 30th January, 1978 which reads as under :

"Statement of Shri Rameshwar Dayal and O. C. Mathur and G. B. Pal, respective counsel for the parties.

"The documents placed on record by the parties may be read into evidence without formal proof which is waived hereby."

Part arguments were heard and the case was adjourned for remaining arguments for 1st February, 1978 on which date the Id. counsel for the workman sought adjournment for filing an application for amendment of statement of claim and the said amendment was allowed vide my order dated the 14th April, 1978 and an amended statement of claim was filed and a written statement to the said amended statement of claim was also filed and finally replication was filed. In the meanwhile it transpired that the original order of transfer of this case to this Tribunal was somewhat defective and as such a fresh order for transfer was passed, in consequence whereof it had become necessary to re-open the proceedings from the stage of transfer but the Id. counsel for the parties came forward with a statement on 2nd August, 1978 wherein it was stated by them that 'the parties do not propose to re-open the proceedings held by this Tribunal so far and rather adopt the same.' In consequence the proceedings were not required to be re-conducted. The Id. counsel for the workman closed his evidence on 2nd August, 1978 and the Management closed its evidence on 9th November, 1978 and the case was adjourned for arguments. The arguments continued for a number of hearings. I have gone through the statement of claim, written statement, the replication and the evidence produced by the parties and after giving my considered thought to the matter before me in

the light of the statements made by the counsel for the parties I have come to the following findings upon these issues :

3. Issue No. 1.—The contention of the Management in preliminary objection is that the services of Shri S. M. Aggarwal, the workman concerned, have been terminated by Indian Airlines, which is a statutory body constituted under the Air Corporation Act, 1953, in exercise of its statutory powers under Statutory Rule 13 framed under Section 45 of the said Act, therefore, the Industrial Dispute Act, 1947, has no application and the order of reference is without jurisdiction, illegal and null and void and this Hon'ble Tribunal has no power or jurisdiction to entertain or adjudicate upon any dispute in respect of such termination of services between Indian Airlines and Shri S. M. Aggarwal.

4. This objection has been denied by the workman in his replication. I do not think that there is any merit in this objection. There is nothing in the provisions of Air Corporation Act, 1953 which excludes the jurisdiction of Industrial Tribunal under the I.D. Act 1947. Rather a perusal of Section 2 of the I.D. Act, 1947 would show that the Central Govt. has been declared to be the appropriate Govt. in respect of the Air Corporations which goes to establish beyond any shadow of doubt that the disputes arising in any of these Air Corporations are subject to the jurisdiction of Industrial Tribunals under I.D. Act, 1947 and the dispute in the instant case can be no exception. It is not urged before me that the matter referred has not referred by the appropriate Govt. It is also not submitted on behalf of the Corporation that Shri S. M. Aggarwal was not a workman. Likewise it is not contended that the matter referred does not qualify as an Industrial Dispute. From whichever angle the matter may be considered I find that there is absolutely no weight in the contention of the Corporation that this Tribunal has no jurisdiction and as such issue No. 1 is decided in favour of the workman and against the Corporation—Management.

5. Issue No. 2.—The contention of the workman in his statement of claim is that he was permanently employed as Traffic Assistant in Delhi Area w.e.f. 29-9-1962 when on 7-9-1971 the Management served a charge sheet upon him ; that during the pendency of the charge sheet the workman was suspended ; that the Management also lodged an FIR and got a criminal case registered against the workman on the facts of the chargesheet : that he submitted his reply to charge sheet on 14-9-1971 in which he requested the Management not to proceed with the enquiry in view of the criminal case ; that during the pendency of the criminal trial the Management wrongfully and illegally terminated his services without holding any enquiry under the garb of action under Rule 13 of Service Rules on 26-5-1972 ; what the said termination was illegal and unjustified ; that the action under Rule 13 is a camouflage ; that the Management could not have had recourse to Rule 13 particularly when the workman was later on acquitted on 26-2-1974 by the Special Judge Delhi in the criminal case initiated by the Management and as such he was entitled to be reinstated with full back wages. Later on by amendment of the Statement of Claim it was contended by the workman that the termination was in violation of Section 25-F of the Act.

6. The Management on the other hand has contended in its reply that no doubt the workman was employed as permanent Traffic Assistant but his record in the Indian Airlines was not unblemished ; that he was charge sheeted on 7-9-71 as alleged ; that the workman was discharged from service under Rule 13 as the Management had lost confidence in view of the conduct of the workman and as such the termination was valid ; that the termination in the instant case was not retrenchment and as such provisions of Section 25-F were not attracted ; that the subsequent acquittal of the workman has no relevancy to the termination of the services of the workman and it has been urged that the termination was valid termination.

7. In order to support his contention the workman has come forward as his own witness as W.W.1 and has stated that he was permanent employee of Indian Air Lines Corporation as Traffic Assistant w.e.f. 29-9-1962 and on 7-9-1971 he was served with a notice charge sheet Ex. W.1/1 to which he submitted reply Ex. W. 1/2 and his services were termi-

nated by the Management during the pendency of criminal case under the garb of rule 13 of service rules on 26-5-1972 which termination was illegal, arbitrary and liable to be quashed. He also stated that he was acquitted by Shri O. P. Singha, Additional Sessions Judge, Delhi on 26-2-1974 and has filed a certified copy of his order which is Ex. W.3 and he has claimed that he was entitled for reinstatement with full back wages and seniority etc. He has tendered into evidence admitted documents Ex. W.1/4 to Ex. W. 1/22.

8. During cross examination it is admitted by the workman that he had requested the enquiry to be deferred since the matter was sub-judice and the said enquiry was so deferred. It is further admitted by him that he had signed some paper before the Collector of Customs but has alleged that the Collector might have forged some statement thereupon but it is admitted by him that the said statement did form part of criminal case file. It is indirectly admitted by him that he had confessed his guilt before the Collector of Customs. It is also admitted by him that the Collector of Customs had punished him with a fine. It is similarly admitted by him that a Magistrate had found him guilty and convicted him and copy thereof is Ex. M/14. It is finally admitted by him that he was fined by the Collector of Customs in a case of smuggling of currency.

9. On the contrary the Management has examined three witnesses. M.W. 1 is Shri Sampat Kumar, Industrial Relations Officer of the Management and he has produced Ex. M/1, a copy of the service rules. He has also produced Ex. M/2 to Ex. M/7, the documents received from the Assistant Collector of Customs, Madras. It is also stated by him that a letter dated 14-4-1967 was sent to the workman and Ex. M/8 was a copy thereof. He has produced Ex. M/9 a true copy of the minutes of the meeting of Board of Directors of the respondent held on 10-2-1972 and Ex. M/10 copy of another meeting dated 8/10-7-72. He has also produced Ex. M/11, a copy of office noting dated 21-3-1974 and Ex. M/12, copy of the Judgment in the criminal case against the workman. During cross examination he has admitted that he had no personal knowledge. M.W. 2 is Shri A. N. Dhir, Deputy Manager (Personnel Services) of the respondent and he has stated on oath that action against the workman is not based upon the charge sheet dated 7-9-1971. Nothing material has been brought out in his cross examination. Finally his statement of M.W. 3 Shri O. S. Malhotra, the Personnel Manager of the Indian Air Lines and he has stated that he had dealt with the case of the workman. He has further stated that Ex. M/10 and M/11 were the copies of the notes written by him and that the services of the workman were terminated not for the charge sheet given to him but it was a case of termination simpliciter on the ground of loss of confidence. It is categorically stated by M.W. 3 that the then Managing Director had taken the final decision of this termination which was under Rule 13 and the said order is Ex. M/13. During cross examination it is admitted by him that the charge sheet dated 7-9-71 was still pending when the services of the workman were terminated on 26-5-72. It is also permitted by him that for loss of confidence no charge sheet was issued to the workman and he was not called upon to explain. This witness has explained that 'loss of confidence was that the workman was involved in a case of smuggling of foreign currency.' It is stated by him further during cross examination that no enquiry was held but we went by the report of the Customs Department and his statement therein. It is further brought out by him during cross examination that 'by nature of his duties he was connected with foreign passengers and foreign exchange. It is denied by the witness that the services of the workman were terminated for the charge sheet dated 7-9-71. Thus from the perusal of the evidence produced by the parties there does not appear to be much conflict regarding the facts of the case. It has been established rather that the workman was employed as a permanent Traffic Assistant with the respondent when on 7-9-71 a charge sheet Ex. W. 11 was served upon him to which a reply Ex. W. 1/2 was submitted by the workman and the Management had lodged an FIR against the workman and others and a criminal case was registered against the workman in which case the workman was ultimately acquitted but in the meanwhile the services of the workman had been terminated by the Management for loss of confidence under Rule 13 of the Services Rules w.e.f. 26-5-1972 whereupon this reference was made. It is also established that the work-

man had been fined for smuggling of foreign currency by the Collector of Customs on the admission of the workman himself and keeping in view all these facts the services of the workman were terminated under Rule 13 for loss of confidence.

10. Ex. M/1 is the extract of rule 13 whereunder the service of the workman have been terminated and it reads that 'the services of an employee are terminable on 30 days notice on either side or basic pay in lieu. Provided however the Corporation will be at liberty to refuse to accept the termination of his services by an employee where such termination is sought in order to avoid disciplinary action contemplated or taken by the Management.' The contention of the workman is that re-course to Rule 13 was a camouflage. But my attention on behalf of the Management has been drawn to Ex. M/7 which is letter dated the 4th November, 1969 from the Asstt. Collector of Customs, Madras to the Regional Manager, Indian Air Lines Corporation, New Delhi in which it was reported by them that Shri S. M. Aggarwal, the workman in the instant case was not only concerned in the smuggling of foreign exchange and was arrested and remanded to judicial custody and the matter was reported to the Indian Air Lines for information and necessary action as it might deem fit. It appears in pursuance of the said letter of Asstt. Collector of Customs the Indian Air Lines had called for a copy of statement of Shri S. M. Aggarwal which was sent by the Asstt. Collector of Customs, Madras to the Indian Air Lines Corporation alongwith the letter dated the 4th December, 1969 which is Ex. M/3. The copy of the statement of the workman is Ex. M/4. This statement is self explanatory and prima facie shows that the workman was involved in the smuggling of foreign currency. My attention has further been drawn to a letter dated the 3rd September, 1971 from the Assistant Collector of Customs, Madras to the Indian Air Lines which is Ex. M/2 and it clearly shows that the 'Departmental adjudication case against Shri S. M. Aggarwal has since been completed. Essentially Collector of Customs, Madras had ordered confiscation of the currency and adjudged a personal penalty of Rs. 10,000/- under Section 114, Customs Act, 1962 on Shri S. M. Aggarwal. Launching of prosecution case against him is under consideration. It has been urged on behalf of the Management that it was thereafter that the charge sheet dated 7-9-71 copy Ex. W/11 was served upon the workman to which the workman filed an application dated 14-9-71, copy Ex. W/12 requesting that the enquiry and investigation of charges against him be deferred and the same was in fact deferred but later on the services of the workman were terminated under Rule 13 by the Managing Director vide order dated 26-5-72, copy Ex. W.W.115. The said orders reads 'this is to inform you that w.e.f. 26th May, 1972 your services will be no longer required by the Corporation and stand terminated w.e.f. the said date by virtue of Rule 13 of the Service Rule for employees other than the flying crew and those in the Engineering Department. You will be paid 30 days basic pay in lieu of notice contemplated under the said rules. The Accounts Department has got instructions to settle your accounts immediately.' It appears that simultaneously order dated 26-5-72 copy Ex. W.W.116 revoking the departmental enquiry and the suspension order were also passed by the Chairman in respect of the workman. The workman preferred an appeal against the said order copy whereof is Ex. W.W.117 and the said appeal was dismissed by the Chairman vide order dated 7-8-72 copy Ex. W.W.118. The workman had addressed a representation dated 12-3-74 to the then Managing Director of the Indian Air Lines and copy thereof is Ex. W.W.119 but it appears that nothing came out of the said representation either. The workman had addressed a communication dated 26-2-74 to the Deputy Managing Director, Indian Air Lines to which it was replied vide letter dated 21-3-74 copy Ex. W.W.1110 that 'you seem to have assumed that your services had been terminated as a measure for punishment for misconduct. This assumption is not correct. As already advised in our letter No. HPDO2/SMA/72 dated 7th August, 1972 your services were terminated under Rule 13 of the Service Rules according to which the services of an employee are terminable by 30 days notice by either side or basic pay in lieu thereof. We have considered your request for reinstatement and regret that the same cannot be acceded

to.' The Id. counsel for the Management has then drawn my attention to the statement of M.W. 3 in which office notes copies Ex. M/10 and Ex. M. 11 have been proved. From the perusal of Ex. M/10 and Ex. M/11 I find that these notes are by Shri C. S. Malhotra on different dates which were prepared for being put up to senior authorities with regard to the case of the workman. From the perusal of these notes it cannot be said that the services of the workman were not terminated under rule 13. It also cannot be said from the perusal of these notes that the re-course was had to rule 13 by way of punishing Shri Aggarwal. If at all these notes go to show anything it is that it was as a result of series of acts of negligence and misfeasance that the Corporation was constrained to have re-course to rule 13 and as such it cannot be said that the termination of services of the workman under rule 13 was a camouflage or was by way of penalty for mis-conduct. It is a different thing that the acts of misfeasance and negligence were referred to but they appear to have been referred to enable the superior authorities to come to a subjective decision after taking an objective view of the whole matter. The Indian Air Lines Corporation is a Public Corporation and functions impersonally and essentially a case has to be prepared for submissions to the Managing Director or the Chairman bringing all the facts so that they are in a position to take proper decision in that particular case. Bringing out of such facts would not mean that the order under rule 13 can be labelled as punitive or camouflage. My attention has then been drawn to note dated the 9th May, 1972, copy Ex. M-13 which again is of Shri C. S. Malhotra. It is this note which has led to the termination of the services of the workman and it goes to show the circumstance under which it was decided to terminate the services of the workman under rule 13. Mere fact that a charge sheet had been served upon the workman does not mean that re-course cannot be had to rule 13. If at all these notes go to show that the action of the Management in the instant case was not based upon any malice or bias and rather it was the culmination of the circumstances which were the product of the conduct of the workman himself.

11. The matter may be considered from yet another angle. The charge sheet was served in the year 1969 and the enquiry was deferred on the request of the workman and the criminal case took unduly long time. The Management waited for about three years and it was thereafter that it was thought proper that in the circumstances of the case the services may better be terminated under rule 13. It has been urged that the termination of services of the workman was for loss of confidence was a discharge simplicitor and was not penal. Certainly from the perusal of order of termination it cannot be said that the order is not an order of discharge simplicitor and it is penal in nature. It cannot be said from the perusal thereof that any stigma is attached to the said termination. The Id. counsel for the workman has urged that circumstance have not been established which smacks of lack of confidence and has drawn my attention to certain rulings of different courts in this context. But each matter has to be considered on the facts of the case. In the instant case it cannot be said keeping in view the facts of the case that the decision of the Management for termination for loss of confidence was not justified. The workman was Traffic Assistant with the respondent and in this capacity it was his duty to handle cargoes and if it were reported to the employers that he was found in illegal possession of foreign currency that itself was enough for the employer to feel that interest of the Corporation was not safe in the hands of such a workman. Likewise if parcel after parcel are mis-delivered as is the contention in the charge sheet it would be a fit case for the Management to loose confidence in the workman. The note Ex. M/10 and Ex. M/11 by M.W. 3 clearly bring out the circumstances which lead to the termination in the instant case and in view thereof it cannot be said that the action of the Management in terminating the services of the workman in the instant case under rule 13 is camouflage or out of malice or bias or illegal and not justified in view of my discussions above. I hold that the action of the Management in terminating the services of the workman under rule 13 is not a camouflage or penal or based on malice or illegal on that account.

12. My attention however has been drawn by the Id. counsel for the workman to judgment of the Hon'ble Supreme Court in Sunder Manu's case reported as 1976(1) LLJ-478 and it has been urged that the termination of services of

the workman in the instant case was in violation of Section 25-F of the Act as the workman had not been paid retrenchment compensation. Reliance has also been placed upon the latest pronouncement of Hon'ble Supreme Court of India in re : Santosh Gupta Vs. State Bank of Patiala in which also in similar view was taken. It is urged on behalf of the respondent—Bank that the services of the workman have been terminated for loss of confidence and not by way of retrenchment and as such Section 25-F of the Act was not applicable. It has also been urged that it has been provided in Section 2 of the I.D. Act itself that the definition given in that section are subject to the repugnancy in the context and the subject as the words 'unless there is anything repugnant in the subject or context, would show and Section 2(oo) is definitely to be read subject to the context and when it is so read it cannot be given wider meanings so as to include the present case in the definition of retrenchment. The Id. counsel for the Management has further drawn my attention to the fact that certain practical and legal difficulties would arise if Section 25-F is extended to the present case. It is urged by him that if section 25-F is deemed to be attracted by the present case then the provisions of Sec. 25-G would have to be satisfied which is not possible. It has also been urged that likewise the provisions of Section 25-M would also be attracted to this case if section 25-F is applied which would be contra to the very spirit to the termination in this case. I do find much weight in the contention of the Id. counsel for the Management but I am afraid that in view of the latest pronouncement of the Hon'ble Supreme Court of India in re : Santosh Gupta Versus State Bank of Patiala there is no escape from the conclusion that the termination in the instant case would attract the provisions of Section 25-F and as such it would necessitate compliance therewith and I, therefore, hold that the termination of the service of the workman in the instant case is violative of Section 25-F of the I.D. Act and as such is contrary to law. However keeping in view the circumstances of the case and keeping in view the circumstances in which the services of the workman were terminated under rule 13, I do not think that the workman in the instant case should be granted relief of reinstatement. The services of the workman have been terminated for loss of confidence and it would be contrary to the spirit of such a termination that the workman is thrust again upon the Corporation. The ends of justice would be met if the workman is granted requisite retrenchment compensation together with some additional special compensation and the costs of this litigation rather than to reinstate him in the service of the Corporation. No doubt reinstatement would be the normal relief in the ordinary circumstances but the circumstances in which the services of the workman have been terminated do not warrant that the workman should be reinstated. Accordingly while holding that the termination of the services of the workman was in violation of provisions of Section 25-F of the I.D. Act, 1947 and not justified it is awarded that by way of relief the workman shall be entitled to five months wages by way of retrenchment compensation for the ten years service which the workman had put in with the Corporation and six months additional wages by way of compensation for unjustified termination of his services apart from costs of these litigation which is assessed at Rs. 1,900. It is awarded accordingly.

Dated : 3rd November, 1980.

Further Ordered :

That requisite number of copies of this award may be sent to the appropriate Government for necessary action at their end.

Dated : 3rd November, 1980.

MAHESH CHANDRA, Presiding Officer
[No. L-11011/21/74/LR. III]

S.O. 3597.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of the Cantonment Board, Shillong and their workmen, which was received by the Central Government on the 1st December, 1980

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :

CALCUTTA

PRESENT :

Mr. Justice R. Bhattacharya, M.A., B.L., Presiding Officer
Reference No. 28 of 1979

PARTIES :

Employers in relation to the management of the Cantonment Board, Shillong.

AND

Their Workman.

APPEARANCES :

On behalf of Employers.—Miss Kanta Nongkynrih;

On behalf of Workman.—Mr. A. K. Sanyal, Assistant Secretary, Shillong Cantonment Employees Union.

STATE : Meghalaya

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 sent by the Government of India by its Order No. L-13012(3)/78-D.II(B) dated 17th May, 1979 to this Tribunal for adjudication of an industrial dispute mentioned in the Schedule to the Reference as follows :

"Whether the action of the Executive Officer, Cantonment Board, Shillong, in terminating the services of Shrimati Kulwant Tagore, Sweeper, with effect from the 7th May, 1977, is justified? If not, to what relief is the said workman entitled?"

The reference has been registered as No. 28 of 1979 in this Tribunal.

2. The parties to the dispute before this Tribunal are the Cantonment Board, Shillong through its Executive Officer and Kulwant Tagore, a sweeper of the said Board who was a workman according to the definition of the Industrial Dispute Act. The parties appeared in this case and filed their respective written statement.

3. To be brief, the case appearing in the written statement submitted by the Cantonment Executive Officer is that Kulwant Tagore was appointed as a Sweeper against a leave vacancy by the Cantonment Executive Officer on 15-2-76 for a month. She was again appointed sweeper for another month with effect from 18-3-1976. Subsequently she was again given appointment for a period of two months from 19-4-76. The appointment was approved by the Board along with others by resolution dated 14-5-76. The service of Kulwant Tagore was neither continuous nor substantive. She was served with one month's notice of termination of her service and the same was served by a letter dated 30-3-77. The reason for termination, according to the statement of the Cantonment Executive Officer, was that the explanation furnished by the petitioner was not satisfactory. The termination of service was according to a resolution of the Cantonment Board dated 26-3-77. The service of Kulwant was terminated by a letter dated 7-8-77. It has been stated in the written statement filed by the Cantonment Executive Officer that the termination was justified according to the provisions of Cantonment Fund Servants' Rules, 1937.

4. Kulwant Tagore has filed a written statement. Her case, in short, in the written statement is that she was appointed as a sweeper in the permanent employment by the Cantonment Board. Her service was illegally terminated on the 7th May, 1977. In the notice of termination there is no indication about the reasons for termination. The notice of termination of service was issued on 30th March, 1977. In fact, Kulwant Tagore challenged the legality of the termination of her service.

5. The matter came up for hearing on 15-11-80. Kulwant Tagore was present when the matter was taken up but nobody appeared on behalf of Cantonment Board, Shillong or its Executive Officer.

The Tribunal waited till 1.30 P.M. when the matter was taken up ex-parte in the absence of the Cantonment Board or its Officer Kulwant Tagore gave evidence and during her evidence certain documents were marked exhibits. Just at the conclusion of the evidence, a lower division assistant of the Cantonment Board, Shillong, Miss Kanta Nongkynrih,

appeared on behalf of the management and submitted that she had been instructed to file certain documents by her superior officers and produced copies of certain documents. She was asked to file the original documents, copies of which were filed, but Miss Nongkynrih submitted that she was not asked to file the originals before the Tribunal. At this time the Assistant Secretary of the Cantonment Employees Union who was conducting the case of Kulwant Tagore duly authorised by her, agreed to get the documents which had been filed by Miss Nongkynrih to be marked exhibits on behalf of the management formal proof being dispensed with but without admitting their correctness or genuineness. Those documents are marked exhibits M-1 to M-9. Miss Nongkynrih who filed the authority duly signed by the Executive Officer of the Cantonment Board submitted that she got no instruction to adduce any oral evidence and moreover she being a newcomer to the Cantonment Board had no personal knowledge about the dispute in question. She cross-examined Kulwant and did not adduce any oral evidence.

6. I have heard the arguments of the Assistant Secretary of the Union on the evidence on record and also of Miss Kanta Nongkynrih on behalf of the Cantonment Board.

7. Kulwant Tagore has stated before this Tribunal that at first she was appointed temporarily as a sweeper and then subsequently her appointment was confirmed as permanent by the Cantonment Board. She has also stated that she used to contribute towards her Provident fund every month. For a period she became sick for some days but still she did her duty. For about 15 days she was in the Cantonment hospital and treated there. On 10th she went to the office to join her duty after taking the doctor's fitness certificate but she was told by the office that she had already been dismissed from 8th. By 10th she certainly means 10th of May, 1977 as the letter of dismissal is dated 7th of May, 1977. She has produced before the Tribunal the fitness certificate she obtained from the hospital. That has been marked Ext. W-1 and when she went to the office to join, she had with her an application for joining along with the certificate. That application was dated 10th of May, 1977. The evidence of Kulwant is that she did not get any chargesheet. She was never asked to show cause for any misconduct nor had she any opportunity to show cause and to submit any explanation. She has stated that as she was not asked to submit any explanation she did not give any explanation. From this witness we also get that whenever she received any letter from the Cantonment Board, she used to give her signature as a token thereof and not any thumb impression. The witness has further stated that she did not submit any explanation by giving any thumb impression or otherwise. She does not give any thumb impression but she always signs. The application which she took for joining has been marked Ext. W-2. The letter of termination, dated 16th May, 1977, she received through a jamadar has been marked Ext. W-3 which is dated 7-5-77. The letter contains the following statement :

"Your services under the Board are hereby terminated w.e.f. 07-5-77."

This was signed by Cantonment Executive Officer, Shillong.

8. As against the evidence adduced on the side of Kulwant Tagore, we find the documentary evidence, as already mentioned, not supported by any oral evidence regarding its genuineness or otherwise. Ext. M-1 is the initial letter of appointment issued in favour of Kulwant Tagore appointing her temporarily as sweeper for one month, in the scale of 190-2-200-3-242-4-250 plus other allowance as admissible to the Cantonment Fund Servants. This is dated 16th February, 1976. Ext. M-2 is another letter of temporary appointment as sweeper in favour of Kulwant Tagore for a further period of one month from 18-3-76. Ext. M-3 shows that Kulwant Tagore was appointed as leave substitute sweeper for a period of two months with effect from 19-4-76. Ext. M-4 is a copy of resolution of the Cantonment Board dated 14-5-76. This shows that along with others Kulwant's appointment was approved in the existing vacancies. There is no evidence that after the expiry of two months from 19-4-76, Kulwant was again given appointment for any particular period or on temporary basis. Thereafter several months passed and admittedly Kulwant Tagore was in the service as sweeper and Ext. M-5,

a copy of the letter written to Kulwant dated 30-3-77 says that the Cantonment Board did not find the explanation submitted by her as satisfactory and that her services would be terminated after one month from the date of receipt of this letter. Ext. M-6 is a copy of resolution of the Board which shows that Kulwant's explanation was not found satisfactory and that she might be given one month's notice of discharge from service. This is dated 26-3-77. Thereafter the letter of termination dated 7-5-77 was issued as already stated earlier. Ext. M-9 is a copy of resolution of the Cantonment Board which indicates that Kulwant Tagore be given a notice to show cause why she should not be discharged from service of the Board on account of repeated negligence and continued inefficiency. There is nothing to indicate from the documents filed and no substantive evidence adduced from the side of the Cantonment Board that the copy of this resolution was served upon Kulwant or that any show cause notice or chargesheet was never served upon Kulwant. Against the evidence of Kulwant there is nothing to contradict her statement about the nonreceipt of any chargesheet. Amongst the copies of papers exhibited in the case from the side of the Cantonment Board, no copy of explanation alleged to have been submitted by Kulwant has been filed. No copy of chargesheet has been submitted here. Ext. M-9 does not indicate the nature of negligence or inefficiency. The allegation is too vague and wild. Even if there was any chargesheet like that, it could not be replied to or enquired into. It is untenable and no employee's service could be terminated on such allegation. Miss Kanta Nongkynrih during argument stated that there is some explanation in the file she has brought but there is no instruction to file it before the Tribunal. According to her that explanation is not signed by Kulwant but there is one thumb impression. But, as I have already stated, Kulwant has stated during evidence that she did not file any explanation or show cause application nor did she give any thumb impression on such explanation or on any document. She signs and she does not give thumb impression. There is no indication also in the written statement or in the copies of document filed about the nature of misconduct or negligence for which Kulwant might have been dismissed from service. In Ext. M-9 there is indication about the vague allegation of repeated negligence and continued inefficiency. Such nature of negligence and inefficiency should have been brought to the notice of Kulwant but that has not been done in the present case. It is strange that neither the Cantonment Executive Officer nor any competent person from the Cantonment Board comes forward to appear before the Tribunal and give evidence against Kulwant and in support of the documents filed. No explanation has been given why the copy of show cause notice or the chargesheet against Kulwant, if at all issued, was not filed. Moreover, there is no evidence that the show cause notice or the chargesheet was ever received by Kulwant. The Cantonment Board does not say anywhere that there was any enquiry against Kulwant or that Kulwant was asked whether she wanted any enquiry or wanted to produce any evidence. Miss Kanta Nongkynrih has submitted that the story of contribution to the Provident fund as stated by Kulwant can not be accepted as there is no document to prove it in the form of receipt or otherwise. It is also strange that nobody from the Cantonment Board comes forward to say or to produce the relevant paper in its possession to show that Kulwant did not contribute anything towards Provident fund. However, leaving aside the question of contribution to Provident fund, I have no doubt to hold that the Cantonment Board after some temporary appointments finally approved the absorption of Kulwant in permanent vacancy. There is no evidence from the side of the Cantonment Board that after the expiry of two months temporary appointment as indicated in Ext. M-3, the letter dated 17-4-76, there was further temporary appointment. In the facts and circumstances I have no doubt to hold that Kulwant Tagore was in the permanent service of the Cantonment Board at the time when the letter of termination dated 7-5-77 was issued. Kulwant Tagore was really ill and after obtaining fitness certificate with all her bonafides she went to join her duties on 10th with an application when, to her surprise, she was informed about the termination and at that time she did not receive any notice of termination. There is no evidence or circumstances to indicate that there was any sort of misconduct or negligence in her duties or any sort of inefficiency in her services in any manner.

9. I have been referred by Mr. Sanyal, the Assistant Secretary of the Union and Miss Kanta Nongkynrih from the side of the Cantonment Board to the Rules 6 and 12 of the Cantonment Fund Servants Rules, 1937. It was argued from the side of the Cantonment Board that Kulwant was on probation and therefore when her services were unsatisfactory she was liable to be dismissed. Rule 6 of the Cantonment Fund Servants Rules says that all first appointments to service (other than menial service) under a Board shall be on probation and no person shall be confirmed in the first appointment until he has satisfied the authority which has appointed him by probationary service for such period not being less than 6 months as that authority may determine that he is fully qualified to hold such appointment. In the present case admittedly Kulwant was appointed as a Sweeper and her appointment was to menial services and, therefore, Rule 6 cannot strictly be applied to her case. Next, there is no indication anywhere in the papers filed or in the written statement that she was appointed on probation for 6 months or for any other period. On the other hand, we find that although in March, 1977 after a year of her first temporary appointment a notice was served on Kulwant that her service would be terminated after one month from the date of receipt of the letter but in fact the letter of termination was subsequently issued on 7-5-77 with effect from that very date. Giving my best consideration to the fact and circumstances I hold that she was in permanent service of the Board at the time of termination of service on 7-5-77 and that no chargesheet as required was served upon Kulwant, that no enquiry was made and that the order of dismissal is high-handed, unreasonable and contrary to the provisions of the Cantonment Fund Servants Rules. Rule 12 is an important provision. It says that a workman may be dismissed or removed from service and the procedure has been written there, Rule 12 reads as :—

"12. (1) No order of dismissal, removal or reduction shall be passed on a servant (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case, and a list of documents and witnesses by which each charge is to be sustained. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority appointing the servant so directs, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called, as he may wish, provided that the (authority) conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded, or where it is for other reason impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

(2) A copy of the finding and grounds thereof shall be delivered to the servant personally or by registered post. In the event of the servant appealing, the whole proceedings, together with his service roll or service book, if any, shall be forwarded with the memorandum of appeal.

(3) In the case of a lower grade servant, an equally elaborate inquiry need not be made, but there shall be delivered to him personally or by registered post a copy of the document, showing the ground or grounds on which his reduction, removal or dismissal was ordered."

10. In view of my discussion above, it is quite clear to me that the termination of service of Kulwant in the Cantonment Board was illegal, unreasonable and contrary to the provisions of the Cantonment Fund Servants Rules. The order was not justified and the same is liable to be quashed. The order of termination of service of Kulwant Tagore is set aside.

11. In the result, I find that Kulwant Tagore should be regarded as still in service and entitled to all benefits upto-date in her service including arrears of wages, increments, etc. and the management of the Cantonment Board including the Executive Officer shall immediately permit her in writing to resume her duties in her former position.

An award is passed accordingly.

Dated, Calcutta,

The 21st November, 1980.

[No. L-13012(3)/78-D II(B)]
R. BHATTACHARYA, Presiding Officer

S.O. 3598.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen which was received by the Central Government on the 28th November, 1980.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL :
CALCUTTA

PRESENT :

Mr. Justice R. Bhattacharya, M. A., B.L.

Presiding Officer

Reference No. 68 of 1980

PARTIES :

Employers in relation to the management of Food Corporation of India,

AND

Their Workmen.

Appearances :

Employers } ABSENT
Workmen }

State : West Bengal

Industry : Food

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 sent by the Government of India by its Order No. L-42011(5)/79-D.II(B) dated 26th August, 1980, to this Tribunal for adjudication of an industrial dispute between the employers in relation to the management of Food Corporation of India, 10-Middleton Row, Calcutta-700071 and their workmen in the following terms :

"Whether the refusal by the management of Food Corporation of India, 10-Middleton Row, Calcutta-700071 to pay from November, 1975 overtime wages at one and half times the ordinary rate of wages to the gunnymen under District Manager (Docks) who are booked for work at JJP Depot wherefrom they are also deputed to dock for depositing the gunny bales is legal, proper & justified? If not, to what relief are these workmen entitled?"

2. Notices were issued to the management of Food Corporation of India and also to the Food Corporation of India Workers' Union representing the workmen asking them to file their respective written statement fixing 25-10-80. The said notice was received by the Food Corporation of India on 17-9-80 and the Food Corporation of India Workers' Union received the notice on the same date. In spite of receipt of notices the parties did not appear in the case; nor

did they file any statement. No step was taken by any of the parties in this case and 20-11-80 was fixed for orders. Even on 20-11-80 neither of the parties took any step whatsoever in the present reference. As neither of the parties appeared in this case to contest, I presume that there is at present no dispute between the parties and I pass an award accordingly.

Dated, Calcutta,

20th November, 1980

R. BHATTACHARYA, Presiding Officer
[No L-42011/5/79-D II (B)]

S.O. 3599—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the management of Modern Rice Mill of the Food Corporation of India, Nellore and their workmen which was received by the Central Government on the 3rd December, 1980

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL)
AT HYDERABAD

PRESENT

Sri V. Neeladas Rao B.A., B.L.,
Industrial Tribunal (Central)

Industrial Dispute No 13 of 1979 BETWEEN

Workmen of Modern Rice Mill of the Food Corporation of India, Nellore

AND

The Management of Modern Rice Mill of the Food Corporation of India, Nellore

APPEARANCES —

- 1 Sri P. Ramakotiah, President the District Factory Workers Union for the Workmen
- 2 Sri B. V. Sesha Reddy, Advocate for the Management

AWARD

On an industrial dispute that arose between the Management of Modern Rice Mill of the Food Corporation of India, Nellore and their Workmen in respect of the matters specified in the Schedule the Government of India by its Order No. L 42011(22)/78 D II(B), dated 22.8.1979 referred the same to this Tribunal for adjudication under Sections 7A and 10(1)(d) of the Industrial Disputes Act, 1947

SCHEDULE

Whether the under-mentioned demands of the Workmen of the Modern Rice Mill of the Food Corporation of India, Nellore are justified? If so to what relief are the workers entitled?

1 Grant of permanent status to the 22 workers whose names are listed below —

- (i) M. Kolhapuri
- (ii) Swarna Ramanah
- (iii) J. Francis
- (iv) E. Venkureddy
- (v) Shaik Mastan
- (vi) G. Ramanamma
- (vii) J. Venkamma
- (viii) Shaik Basha
- (ix) Shaik Peda Mastan
- (x) M. Chandramma
- (xi) Shaik Nanne Saheb
- (xii) N. Kotarah

- (xiii) L. Venkiah
- (xiv) Shaik Mastan (Narukuru)
- (xv) Shaik Moula Saheb
- (xvi) Pa'tan Mastan
- (xvii) G. David
- (xviii) Shaik Kalesha
- (xix) S. Ch. Hanumanna
- (xx) V. Venkiah
- (xxi) Dastagir Basha
- (xxii) Raju

2 Enhancement of daily rates of wages to Rs 7.00 per day

3 Grant of 15 days' sick leave to each worker every year

4 Supply of 2 pairs of Khaki Uniforms to each worker every year

2. The case of the Workers is briefly as follows —The 22 persons referred to are the Workmen of the Modern Rice Mill of the Food Corporation of India, Nellore (hereinafter referred to as the Management). The Workmen bearing Serial Nos 1 to 6 and 10 of the list referred to in the reference were taken into service in the beginning of the year 1970 directly by the Management and they are continuing in service till now. Though the Management introduced employment of labour through a contractor, and though the said system continued upto February 1977, that contractor had nothing to do with the Workmen of this Rice Mill. The recruitment of the workers, who are working in this Mill, the supervision of their work as well as payment of their wages were all done by the Management, and the Management is the principal employer and the real master of all these Workmen. From February, 1977 onwards there was no contractor at all and all workers continued to serve under the Management. The posts of these 22 unskilled Workers are as essential, if not more as the rest of the employees. But the Management always increased the number of posts in all the categories but wilfully and skillfully avoided to increase the posts of the unskilled workers and thus deprived them from becoming permanent employees of this Management. These Workers continued to be permanent employees from their joining into service and continued to be so. Therefore they have to be granted equal permanent status just like the rest of the employees and these Workers made a demand to that effect in the beginning of the year 1977. So wages for the public and festival holidays and for casual and earned leave have to be paid to these Workers for the period commencing from 1977 upto date.

3. The further case of the Workmen is as follows —The Management has been paying the minimum of Rs 5.45 per day towards the wages to these Workmen. The said wage was fixed by the Minimum Wage Advisory Board in December 1974 and the Government approved and published it in A.P. Gazette in July 1975. The price levels have gone up unimaginably from December, 1974. The salaries and wages of all other employees of this Mill, other than these 22 workers, have been raised in par with the rise in cost of living and the said enhancement was not once but several times. Therefore in March 1978 these Workers demanded an enhancement of their wages to Rs 7 per day, and they also demanded for fixation of monthly wages for them. The cost of living index has again gone up from that of March 1978 and so naturally the wages of these Workmen have to be fixed according to the rise in cost of living index. Hence the monthly wages of these 22 Workmen have to be fixed at Rs 300 w.e.f. March, 1978. As these Workers are hard working manual labourers, they are likely to fall ill more often when compared to white collar staff. Sick leave is provided for in all the public sector undertakings. Therefore it is essential that these Workers are allowed 15 days sick leave on pay every year w.e.f. March 1978. The place of work of these Workers is inside the Rice Mill and so it is everybody's knowledge that clothes are spoiled in no time. Even small rice mill operators are providing Khaki Uniforms to their Workmen. So two pairs of Khaki Uniforms to male workers and two pairs of saris and blouses to the three women workers every year have to be given and they should be given stitching charges also and the same to be given at least from 1979.

4. The case of the Management is as follows:—The Modern Rice Mill at Nellore was commissioned in 1970 with one shift a day and gradually the shifts were increased to three a day. This Management is not having any monopoly in this trade. From November, 1973, a contractor was appointed for the supply of unskilled labour to do various odd jobs like collection, stitching, weighing, and stacking of rice and by-products. It is also a term of the contractor that all persons employed by the contractor should be engaged as his own employees in respect of any responsibilities under the various labour Acts. It is not correct to state that these Workmen are the employees of this Management. This Management has no control over them. They are casual labourers. They come to work as and when they wish. It is incorrect to state that the contractor has nothing to do with these workers. After 27-2-1977, for continuity of work, these workers were taken as casual labourers upto 31-3-1972. None of these Workers worked for more than 160 days in any year. This Management has to follow the Statutory Rules while recruiting the permanent staff. Class III and IV staff of Food Corporation of India are employed through the Employment Exchange, and in no case this Management can appoint them against the Statutory Rules. None of these Workmen received any appointment order as per the Rules of this Management. In fact they are either over-aged or do not possess the qualifications. Hence there is no relationship of employer and employee between this Management and these Workmen. The sophisticated machinery of the mill can be operated only by technical personnel. It is incorrect to state that without the service of these Workmen, the mill cannot run. At worst, the Management may encounter some difficulty to get the odd jobs done quickly. This Management appointed 5 Khalasies under the sanctioned 6 posts of unskilled Workmen who had the age and qualifications and they were sponsored by the Employment Exchange. Since these Workmen are casual workmen without any control, and as this Management had no control over them, they are not entitled for permanent status of any employee of this Management, and hence they are not entitled for casual, leave, increment, sick leave, overtime wages or two pairs of Khaki Uniform every year. Under the Minimum Wages Act, the Central Government had to fix the minimum wages. But as no such wages were fixed, this Management is paying Rs. 5.45 ps. as fixed by A. P. State Government in G.O. Ms. No. 591 dated 10-7-1975. As this Management is a Statutory Corporation, it has to follow the Government orders. There is no Government notification fixing the daily wage at Rs. 7 or monthly wages at Rs. 300 and hence their plea for the same is untenable.

5. Point 1.—While the case of the Workmen is that they are regularly attending to their duties in this Rice Mill from the time of their respective appointments and so it has to be held that they are attending to regular work of this Rice Mill and hence they cannot be treated as casual workers, the case of the Management is that this Rice Mill does not function throughout the year and its work depends upon the extent of procurement and so it had not become necessary to appoint 22 unskilled workers on all the days on which it worked, and on some days it did not work at all.

6. If it is necessary for the Management to engage a workman or more than one to attend to the job or jobs in the mill on all the working days throughout the year and if it engaged like that for a considerable period say for 5 years or more, and if it feels that in the near future also it would be necessary to engage like that, then even though in the beginning the workers attending to said jobs were appointed on daily wages, it might be a proper consideration to treat those posts as permanent posts. Even though in this case some of these 22 workers were working in this mill from 1970 it is not shown for them that they had worked on all the working days in the year other than the period for which the mill was closed for annual repairs. Ex. M1 is a statement prepared on the basis of the attendance registers maintained by this Management for 1970-71 and 1971-72. It shows that 6 of these workers worked in 1970-71 and none of them worked for more than 165 days, and 21 of these persons worked in 1971-72 and none of them worked for more than 240 days in a year. It may be noted that including the festival holidays and public holidays but excluding Sundays or Weekly holidays, there will be 312 or 313 days in an year. So it is clear that in those 2 years none of them worked on all the working days in those years. Further it also shows that total days on which these workers worked in those 2 years are not same. Ex. M5 is

filed by the Management to furnish the details of casual labourers engaged for the year 1976-77 by Sri P. Veeraswamy, Contractor. It shows the number of workers engaged on average per day in each of the fortnights from 1-3-1976 to 26-2-1977 and it is ranging between 3 to 19. So it also shows that the number of unskilled workers required by this mill during those 2 years on each day is not consistent. So it shows that the number of unskilled workers required on any day depends upon the number of bags to be milled on each day. When it is not uniform, then it cannot be stated about the exact number of workers needed on any day for working in this mill. The Management had not furnished particulars of daily attendance of unskilled workers for the remaining periods and it had also not furnished any particulars to show the number of days on which this mill functioned in each year and the number of shifts for which it worked on each day. Even the workers did not adduce any evidence to show that this mill used to function on all the days in each year for 3 shifts other than the days for which this mill was closed for annual repairs and maintenance. So on the basis of the material on record, it cannot be stated that there is work for all the 22 unskilled workers throughout the year. It is also not possible to state on the basis of the material on record that this mill functioned for all the 3 shifts throughout the year in the various years. It is also not possible to state on the basis of the records that whether atleast some of these unskilled workmen had work throughout the year in the various years for running this mill. Hence it cannot be stated that these 22 workmen were regularly working in this mill, even though it can be held that some of them worked for considerable number of days in each year in this mill.

7. Further the Management filed Ex. M12 to show the staff sanctioned the Engineering (Construction/maintenance) works and for the operation of rice mill of Food Corporation of India in the Andhra Pradesh region. It also filed Ex. M13 to show the staff sanctioned and the number of workers actually working in this mill. On the basis of Ex. M13 it can be stated that when 6 posts of Khalasies were sanctioned, only 5 Khalasies were recruited. Any how there is no material to show that any of these workmen were attending to the duties of Khalasies. So it is not a case where casual workers were engaged for attending to the duties which have to be attended to by regular employees.

8. Ex. M14 was filed to show that Food Corporation of India directed the District Manager of the said Corporation to follow the decision taken by the said Corporation with the Food Corporation of India Employees' Union on 21-2-1972 in filling up the vacancies of unskilled workers. It shows that casual labourers already employed through Employment Exchange can be considered along with others for the posts of unskilled workers and if they were not sponsored by the Employment Exchange, the prerequisite of employment exchange will apply before their cases can be considered for appointment as unskilled workers. Hence it was argued that the Management of this rice mill has to follow the rules and regulations issued by the Food Corporation of India from time to time in recruitment of the permanent staff, and hence these workers cannot be taken as members of the permanent staff without following those rules or regulations. It is also contended for the Management that it could recruit if there are vacancies in the permanent staff by following the necessary rules and regulations and it is not possible for them to absorb any of these workmen without following the same.

9. It was argued for the Workmen as follows:—These jobs do not require educational qualifications and hence it is not proper for the Management to insist upon educational qualifications to take them as permanent employees. Further Serial No. 22 of the list is a graduate, and W.W.2 studied upto S.S.L.C. as can be seen from Ex. W3. So it cannot be stated that none of the Workers was having academic qualifications.

10. Any Management will consider its needs before sanctioning the staff strength. According to the Management, the Food Corporation of India sanctioned the staff strength as per Ex. M12 after considering the necessity of various workmen for running this mill. It is also the case of the Management that Food Corporation of India framed rules and regulations including staff regulations Act, 1971 for recruiting the members of the staff of the various mills under its control as per the sanctioned strength (Ex. M15 is a copy from

the said Act). It is also the case of the Management that Food Corporation of India did not sanction the posts of unskilled labourers as the need of them is varying from day to day or it depends upon the running of the mill, the number of shifts and the extent of the paddy to be milled on each day.

11. I already observed that it is not possible on the basis of the records to state that this mill is functioning throughout the year for all the shifts and it is also not possible to state the number of unskilled workers required throughout the year in the various years other than 1970-71 and 1971-72. It can be stated that for those 2 years it was not necessary for this mill to engage all these workers throughout the year. If in fact the Food Corporation of India felt that it is necessary to engage at least some of these 22 unskilled workers if not all for running the mill, then it would have sanctioned at least those posts as permanent posts for there will be difficulty for engaging casual workers as one is not definite as to whether the required number of casual workers are available on any particular day or not. Further more any Management will be naturally interested in having the same workman to attend to the usual job attended to by him as he will be familiar with that job, and in view of experience, he might be attending to the job quickly and efficiently. So probably as it is not possible for the Management to know the number of unskilled workers required on each day, it could not sanction any permanent strength in regard to the same.

12. If an employee is employed as a permanent member, he has to be paid monthly wages irrespective of the fact whether there is work on all the days or not. So when one is not sure that normally there would be work throughout the month for any workers, it is proper to direct the Management to take the worker, as a permanent employee even though there is no work throughout the month for it means that Management would be asked to pay for the days for which there is no work. So generally in the case in which the Management is not definite as to whether there would be work throughout the year for any job, then he would employ a worker in such capacity on daily wages only. But if it is found that the same worker worked throughout the year on daily wages for considerable number of years or if a particular job was attended to by one workman or other throughout the year for considerable number of years, then it can be held that the employer was exploiting the employee for an employee working on daily wages would not be entitled to the benefits like casual leave, sick leave, gratuity benefits etc. So the important criterion that has to be considered in order to determine whether an employee has to be made permanent is as to whether the Management needs the services of the employee throughout the year for considerable number of years. But evidence in regard to the same is not available to any of these workmen. So on that basis alone it can be stated that the claim of these 22 workmen that they should be given permanent status cannot be treated as a reasonable demand.

13. It was argued for the Workmen that even though upto February, 1977 some of these casual workers were employed through a contractor, still they should be treated as the employees of this Management for it had disciplinary control over these Workmen and it allotted the various jobs to these Workmen in this rice mill and they had to work under the supervision of the staff of this rice mill and this Management paid wages to them. But the Management filed Ex. M7 to show that the wages were paid to the contractor. Ex. M8 a portion of the tender is also filed to show that the contractor is responsible as an employer in regard to the workers supplied by him to this mill for the responsibilities of the employer under the various Acts.

14. It is clear from the counter of the Management that from November, 1973 till February, 1977 a contractor was appointed for the supply of unskilled labour to do various odd jobs like collection etc. Even in the claims statement it was stated that the Food Corporation of India introduced a system of employment of labour through a contractor. So it is clear that in the claims statement even the Workmen admitted that this mill engaged labour through a contractor upto February, 1977. In view of the said statement in the claims statement, the contention for the Workmen that none of these workers was engaged through a contractor cannot be

accepted. Anyhow as these Workmen are demanding implementation of their first demand from 1977 and the remaining demands from 1978 or thereafter, there is no need to consider, for the purpose of this reference, as to whether these workmen were the employees of this Management even during the period when the Management engaged the labour through a contractor.

15. Admittedly subsequent to February, 1977 this Management directly paid wages to these workers and there was no contractor at all for that time. But it was urged for the Management that for continuity of work it allowed these workers to work in this mill and as they were engaged by this Management only through a contractor before 27-2-1977, they should not be treated as the employees of this Management. But when admittedly these workmen worked in this mill from 27-2-1977 and this Management paid wages to them, and as there was no contractor from 27-2-1977 they can only be treated as employees of this rice mill.

16. The Management relied upon the decision of Industrial Tribunal, Madras as per Ex. M21, in the context of its contention that these workmen cannot be treated as the employees of this Management as originally they were engaged through a contractor. Ex. M21 shows that during the relevant period the workers were engaged through a contractor and as per agreement the wages have to be paid through contractor. There in it was found that Food Corporation of India paid wages for two periods directly to the workers. On that basis it was argued for the union of workers that as the Management itself directly paid wages to the workers they should be treated as employees of the Management. But the learned Chairman of that Industrial Tribunal observed that the wages were directly paid to the workers only for 2 periods as the contractor was delaying the supply of labour, and they had to pay directly to the workers to avoid break-up of work and to continue the work, and there was no evidence to show that throughout their employment the wages were paid by the Management directly. So it is not a case where the contractor ceased to exist. So that decision is not helpful for the Management, as in this case there was no contractor from 27-2-1977.

17. The case of the workers is that even before the system of engaging the labour through a contractor was introduced, workers bearing Serial Nos. 1 to 6 and 10 were taken into service by this Management and so it cannot be stated that they were engaged through the contractor. But it was urged for Management that after the system of engaging labour through a contractor was introduced, even the workmen bearing Serial Nos. 1 to 6 and 10 were engaged only through the contractor, and wages for them were paid through contractor, and hence they cannot be treated as the employees of this Management by 27-2-1977 and so they cannot be treated as employees of this Management even after that date as they were allowed to continue only to have continuity of work. For the purposes of this reference there is no need to consider the position of even those workmen i.e. the workmen bearing Serial Nos. 1 to 6 and 10 from November, 1973 to February, 1977 and hence I am not dealing with the relative merits of the above contentions.

18. But subsequent to 27-2-1977 all these workmen were paid directly by this Management and there was no contractor at all. So when there was no intermediary or a middleman subsequent to 27-2-1977, the contention of the Management that they cannot be treated as the employees of this Management even after 27-2-1977 for they were engaged through a contractor upto that date, cannot be accepted. Hence I find that subsequent to 27-2-1977 these workmen were the employees of this Management. So by the date of this reference in 1979 these workers were the employees of this Management, and as such this reference is maintainable.

19. Point 2 :—The wages of these persons who are referred to as Casual Workers were fixed at Rs. 5.45 per day as it was fixed at that rate under the Minimum Wages Act by the State Government as per G. O. Ms. No. 591, Employment and Social Welfare Department, dated 10-7-1975, according to the Management. It was urged for the Workmen that due to increase in cost of living even the permanent employees of his Management are being given enhanced wages from time to time, and hence the wages of these Workmen also should be

enhanced to Rs. 7 from March, 1978, Exs. W30 to W32 are filed to show the consumer price index numbers for Industrial Workers at Gudur, Guntur and Hyderabad Centres for the months of May, 1978, October, 1979 and January 1980 respectively.

20. Admittedly there is gradual increase in cost of living index since 1971. Under the Minimum Wages Act, the Central Government has to fix the minimum wage for its establishments. As the Central Government had not gone like that, the Management is paying the minimum wage as fixed by the State Government in 1975 under the Minimum Wages Act. There is no evidence to show about the rate of wages that are being paid to the Casual Workers in the Modern Rice Mills of the Food Corporation of India in other States.

21. Highly technical people like Engineers are appointed for running the Modern Rice Mill as there is sophisticated machinery. So such a mill cannot be compared with the other rice mills operated by the private Managements. Further the Modern Rice Mill of Food Corporation of India mills only procured paddy while the other mills managed by private Managements are used for producing the rice for sale or for milling paddy for hire. So it cannot be stated that there is rivalry in between the Modern Rice Mill of Food Corporation of India and the other rice mills of the private Managements.

22. Principle of region and industry-wise should be taken as the basis in considering whether the wages have to be enhanced, and if so to what extent. I already observed that unfortunately in this case, there is no evidence about the rate of wages at which the Casual Workers in Modern Rice Mills of other States are being paid. If the wages of the Casual Workers in the Modern Rice Mills in the other States were enhanced subsequent to 1975, and if the circumstances under which they are enhanced from time to time are known, then it can be considered whether there is any justification for enhancement of the wages of these workers, even though the Minimum Wage was not enhanced by State Government subsequent to G.O. Ms. No. 591 (vide Supra).

23. Though Minimum Wage was fixed under Minimum Wages Act it is still open to the Management to pay at a rate higher than the rate at which it was fixed under the Minimum Wages Act. As rice mills of Food Corporation of India cannot be compared with the other rice mills in view of their activities, the wages paid by the private operators of the rice mills cannot be taken as basis. But if the wages of the Casual Workers of the Modern Rice Mills of other States are enhanced from time to time, then there is justification for enhancement of the wages of the Casual Workers of the Modern Rice Mill. Nellore also. Of course the enhancement may vary from State to State, as it depends upon the cost of living in each place. But anyhow there is no data in regard to the wages that are paid to the Casual Workers of the Modern Rice Mills in the other States or about the periodical enhancements in other States, if any, from 1971. Thus no material is placed to show that there is justification for enhancement of the wages of the Casual Workers in this Mill, when minimum wage in our State was not enhanced.

24. It is clear from Ex. M-14 that there is a Union called as Food Corporation of India Employees' Union, and it is intended for the employees working in the Modern Rice Mills of Food Corporation of India also. The demand in regard to the enhancement of the wages of Casual Workers in Modern Rice Mill of Food Corporation of India is a demand in which Casual Workers of all the Modern Rice Mills of Food Corporation of India are interested. If the concerned employees of their regional areas feel that there is a justification for such a demand then it is possible for them to raise it through the Food Corporation of India Employees' Union. In such a case it is probable to the said Union to place the entire material before the concerned Tribunal, and the Management also can place the entire material in regard to such a demand. Anyhow if there is material in regard to the wages of the Casual Workers in the Modern Rice Mills of the Food Corporation of India in other States, and periodical enhancements of wages if any, it would have been possible for this Tribunal to decide this point Anyhow in view of the material record, it is not possible to state that there is justification for enhancement of the wages of these Casual Workers when the Minimum Wage as fixed under the Minimum Wages Act by our State Government was not enhanced. Hence this demand of the Workman also has to be negative and I find accordingly.

25. As I held on Point 1 that these Workmen are not entitled to any status of permanent employment, their demands for fixation of the wages on monthly wages has to be negated and I find accordingly.

26. Points 3 & 4—Either permanent or temporary employees can claim the benefits of sick leave or uniforms. But as I held under Point 1 that their demands for entitlement of permanent status is negated and as I held that they have to be treated only as Casual Workers, their demands for sick leave and for uniforms also have to be negated and I find accordingly.

27. In the result, I find that the Workers are not entitled to any of the demands referred to in this reference, and the Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 18th day of November, 1980.

Sd/- Illegible
Industrial Tribunal

APPENDIX OF EVIDENCE

WITNESSES EXAMINED FOR THE WORKMEN:

1. W.W.1 Sri Kolhapuri
2. W.W.2 Sri J. Francis
3. W.W.3 Sri M.A.N. Raju
4. W.W.4 Sri M. Ramachandrabhai.

THE MANAGEMENT

1. M.W.1 Sri A. Mohan Ram.

Documents exhibited for the workmen:

- | | |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ex. W1 | Appointment Order No. A8(3)/70 dt. 2-12-70 issued by District Manager to Sri Kolhapuri. |
| Ex. W2 | Service Certificate dt. 1-8-73 issued by the Engineer incharge the Food Corporation of India Modern Rice Mill, Nellore to Smt. Chandramma. |
| Ex. W3 | Original transfer certificate No. 75369 issued by the Head-Master D.L.N.R.Z.P. Higher Secondary School, Buchireddy Palem Nellore Dist. to Sri J. Francis. |
| Ex. W4 | Order No. A. 25/72-Estt dt. 18-1-73 issued by District Manager Food Corporation of India Nellore to Sri J. Francis. |
| Ex. W5 | Order No. A. 25/72 dt. 19-4-1973 issued by District Manager Food Corporation of India Nellore to Sri Francis. |
| Ex. W6 | Intimation notice LR. No. A, 25/72 dt. 30-6-73 issued by the District Manager Food Corporation of India Nellore to Sri J. Francis. |
| Ex. W7 | Termination order No. A. 25/72 dt. 16-7-73 issued by the Management to Sri J. Francis. |
| Ex. W8 | Re-appointment order No. A. 25/72 dt. 18-7-73 issued by the Management to Sri J. Francis. |
| Ex. W9 | Copy of the M.P. No. 314/75 on the file of the Labour Court, Guntur. |
| Ex. W10 | Counter of the Management in M.P. No. 314/75 on the file of the Guntur. |
| Es. W11 | Copy of the M.P. No. 133/76 dt. 6-9-76 on the file of the Labour Court, Guntur. |
| Ex. W12 | Counter of the Management in M.P. No. 133/76 on the file of the Labour Court, Guntur. |

- Ex.W13 Statement showing staff position at Modern Rice Mill, Nellore
- Ex. W14 Counter of the 2nd Respondent (Sri V. Vecraswami) In M.P. No. 133/76 on the file of the Labour Court, Guntur.
- Ex.W15 Copy of the notice dt. 9-10-77 given by Shri P. Ramakotaiah, President to the Unit Manager,, Modern Rice Mill Food Corporation of India, Nellore
- Ex. W16 Minutes of Conciliation proceedings held at Nellore on 31-10-77 between the District Manager Food Corporation of India, Nellore and the District Factories Workers Union Nellore over a charter of demands dt. 9-10-77 coupled with a strike threat.
- Ex.W17 Letter containing two sheets of calculations regarding payment of extra wages to casual labourers of Modern Rice Mill Nellore for working more than 48 hours in a week and festival holidays with wages and particulars of No. of days of casual labour of MRM Nellore, attended for duty during the weeks from 27-2-77 to 25-11-77.
- Ex.W18 Letter No. MRM/B-2/76-77 dt 15-6-76 addressed by Unit Manager Modern Rice Mill Nellore to the President, the Dist. Factory Workers Union Railway Feeders Road Nellore.
- Ex.W19 Letter No. MRM/B-2/76-77 dt 24-6-76 addressed by the Unit Manager Modern Rice Mill Nellore to the Industrial Relations Officer, Labour Department Balajinagar, Nellore and under copy to the District Factory Workers Union, Nellore (Railway Feeder Road).
- Ex. W20 Letter No. MRM/B-2/76-77 dt. 30-6-76 addressed by Unit Manager, the Food Corporation of India Modern Rice Mill, Nellore to Sri P. Vecraswamy H&T Contractor, Modern Rice Mill Food Corporation of India, Nellore.
- Ex.W21 Memo dt. 3-6-78 issued by Sri A. Mohan Ram Unit Manager to Shri P. Ramakotaiah President, District Factory Workers Union, Nellore regarding 4 casual labourers.
- Ex.W22 D.O. Lr. No. AM/MRM/Labour Court/78-79 dt. 3-6-78 addressed by Sri A. Mohan Ram Unit Manager to Sri Ramakotaiah, President, District Factory Workers Union, Nellore.
- Ex.W23 Copy of the Minutes of Conciliation Proceedings held under Sec. 12(4) of I.D. Act, 1947 on 17th Instant at Nellore in the dispute between District Manager, FCI, Nellore and District Factory Workers Union, Nellore over a charter of demand dt. 5-5-78.
- Ex.W24 Failure of conciliation report under section 12(4) of the I.D. Act, 1947.
- Ex.W25 Letter dt. 30-1-1979 addressed by Sri P. Ramakotaiah President to the District Manager Food Corporation of India, Nellore regarding notice of strike by the employees of Modern Rice Mill (FCI) Nellore.
- Ex.W26 Lr. No. MRM25(45)/Labour/79 dt. 5-2-79 addressed by District Manager to Sri P. Ramakotaiah, President District Factory Workers Union Railway Feeders Road, Nellore.
- Ex. W27 Minutes of conciliation proceedings held under Section 12(4) of I.D.Act, 1947 at Nellore on 23rd Feb. 1979 between District Manager, Food Corporation of India, Nellore and District Factory Workers' Union for a charter of 7 demands dt 30-1-79.
- Ex.W28 Failure report No. 8/2/79-ALC-BZA dt. 28-2-79 sent by Asst. Labour Commissioner(C) Vijayawada to the President Dist. Factory Workers Union, Nellore.
- Ex.W29 Paper cutting from Indian Express dt. 23-5-79 regarding holiday homes for FCI Staff.
- Ex.W30 Statement No. 8902/Index/78-5 dt. 7-7-78 showing the consumer price index numbers for Industrial Workers for Gudur, Guntur and Hyderabad Centres for the month of May, 1978.
- Ex.W31 Statement No. 349/Index/79 dt. 17-12-79 showing the consumer price index numbers for Industrial Workers for Gudur, Guntur and Hyderabad Centres for the month of October, 1979.
- Ex.W32 Statement No. 349/Index/79 dt. 18-3-80 showing the consumer price index numbers for Industrial Workers for Gudur, Guntur and Hyderabad Centres for the month of January, 1980.
- Documents Exhibited for the Management.
- Ex.M1 True copy of the statement prepared by the Unit Manager MRM, Nellore on the basis of attendance register maintained in the Mill for casual labourers
- Ex.M2 True copy of the office order No. A3(3)/79 dt 2-12-70 issued by Unit Manager MRM, Nellore to Sri Kolhapuri
- Es.M3 True copy of the application dt. 15-11-75 submitted by Md. Nasir Ahmed to the Unit Manager, MRM, Nellore.
- Ex.M4 True copy of the application dt. 1-11-73 submitted by M. Ihimoti to the Unit Manager MRM, Nellore
- Ex.M5 Statement showing the casual labour supplied by the contractor Veeraswamy from 1976-77.
- Ex.M6 True Copy of the statement showing the particulars of operations carried out at FCI, Nellore during the period from 1-10-74 to 15-10-74.
- Ex.M7 True Copy of the Bill No. 16 dt. 19-10-74 showing the amount paid to the contractor during the period from 1-10-74 to 15-10-74.
- Ex.M8 True Copy of the extract of the tender form No. F.25(51)/73 dt. 6-8-73 allotted to Sri P. Veeraswamy H & T Contractor of MRM Nellore.
- Ex.M9 True copy of Minutes of conciliation proceedings held on 29-6-77 in the dispute between District Factory Workers' Union, Nellore and the Management of MRM of FCI/P. Veeraswamy FCI contractor in the Nellore Modern Rice Mill.
- Ex.M10 True copy of the letter dt. 20-4-77 addressed by the President, the District Factory Workers Union Nellore to the District Manager Food Corporation of India, Nellore.
- Ex.M11 Application under Sec. 33.C(2) of the I.D.Act filed by the workers before the Labour Court at Guntur.
- Ex.M12 Staff pattern sanctioned by the Food Corporation of India.

- Ex.M13 Statement showing the staff position at Modern Rice Mill Nellore.
- Ex.M14 True copy of the Letter No. 1(1)/72 Estt. dt. 23-2-72 addressed by the F.C.I., Regional Office, Hyd to the Dist. Manager, F.C.I. Nizamabad/Nellore/Hyderabad.
- Ex.M15 True copy of the Staff regulations Act, 1971 FCI.
- Ex. M16 True copy of Endt. No. A. 22(1)/77 dt. 31-5-77 communicated for compliance for upgrading the post of skilled workers to that of Khalasis.
- Ex.M17 True copy of the duties of the unskilled workmen.
- Ex.M18 Copy showing the duties to be attended to by the labourers involved in the Modern Rice Mill of the Food Corporation of India, Nellore.
- Ex.M19 Copy of the order No. A.1(1)/74 dt. 23-8-74 regarding appointment of unskilled workmen through Employment Exchange (five copies).
- Ex.M20 True copy of the wages paid to the Daily rated Sweeper, water bringer and Scavenger of MRM, Nellore for the month of March, 1980.
- Ex.M21 True copy of the order of the Industrial Tribunal, Madras.
- Ex.M22 True copy of the order of the Industrial Tribunal, Nagpur.
- Ex.M23 True copy of the G.O. Ms. No. 591 dt. 10-7-75 issued by the State Government.

Sd/- Presiding Officer

[No. 42011(22)/78-D-II(B)]

A. V. S. SHARMA, Desk Officer.

New Delhi, the 6th December, 1980

S.O. 3690.—In pursuance of section 16 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the National Industrial Tribunal at Bombay, in the industrial dispute between the employers in relation to the management of Reserve Bank of India and their Class II workmen, which was received by the Central Government on the 2nd December, 1980.

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL,
BOMBAY

PRESENT

C. T. Dighe Esqr.,

B. A. (Hons.) LL.M.,

Presiding Officer

Reference No. NTB-2 of 1979

Employers in relation to the Reserve Bank of India

And

Their Class II Workmen.

APPEARANCES :

For the Employers.—Mr. N. V. Sundaram, Legal Advisor,
Mr. M. A. Batki, Asstt. Legal Advisor,

Mr. N. V. Deshpande, Asstt. Legal Advisor.

For the All India Reserve Bank of India Employees' Association.—Mr. Ashis Sen, General Secretary.
Mr. W. R. Varadarajan. Mr. N. C. Das.

For the All India Reserve Bank Workers' Organisation.
Mr. L. K. Pande, President. Mr. M. V. Pathak, Dy.
General Secretary.

INDUSTRY
STATE

BANKING
MAHARASHTRA

Bombay, the 12th November, 1980

AWARD

By a notification dated 25th July, 1979 issued by the Ministry of Labour, Government of India, I was appointed as the Presiding Officer of the National Industrial Tribunal with headquarters at Bombay to look into the dispute between the employers in relation to the Reserve Bank of India and their Class II workmen. The matters for determination given in the schedule are as follows :—

SCHEDULE

Specific matters in dispute for determination pertaining to Class II workmen.

1. Scales of basic pay and method of adjustment in scales of pay.
2. Dearness Allowance.
3. Categorisation of Class II employees in various groups.
4. Special pay, advance increment, stagnation increment and honorarium.
5. Family Allowance.
6. House rent allowance.
7. Travelling allowance including halting allowance.
8. Extra wages for overtime work.
9. Officiating allowance.
10. Shift allowance.
11. Confirmation.
12. Promotion.
13. Procedure for termination of employment and taking other disciplinary action.
14. Age of superannuation.
15. Superannuation benefits, such as provident fund, gratuity and pension.
16. Leave-type, quantum, etc.
17. Leave Fare Concession.
18. Medical facilities.
19. Grain shop facilities.
20. Welfare facilities like canteen, sports and recreation, holiday homes, etc.
21. Compulsory insurance of employees in Cash Department.
22. Security measures in respect of employees in Cash Department.
23. Housing loan, festival advance and marriage advance.
24. Discontinuance of guarantee fund in respect of employees in Cash Department.
25. Desirability of discontinuance/amendment of Reserve Bank of India (Staff) Regulations.
26. Rates of interest on housing loans and other advances granted to employees.
27. Grievance procedure.
28. Internal machinery for resolving industrial disputes.
29. Wasteful and restrictive practices.
30. Work allotment to employees in exigencies.
31. Work procedure and work norm.
32. Mechanisation and computerisation.
33. Need for interim relief.
34. Any other matter connected with, or arising out of the foregoing matters.
35. Date of effect of the Award of the National Tribunal.

2. A copy of the notification was endorsed to the Governor, Reserve Bank of India, Bombay, another one to the General Secretary, All India Reserve Bank of India Employees' Association and the third one to the General

Secretary, All India Reserve Bank Workers' Organisation. After the receipt of the notification notices were issued for preliminary hearing on 8th of August, 1979. Pending the Reference, on 28th September 1979 a settlement under section 2(p) of the Industrial Disputes Act was arrived at between the Reserve Bank of India and All India Reserve Bank of India Employees' Association, hereafter called 'Association'. On 21st November 1979, both of them submitted a copy of the Memorandum of Settlement arrived at between them, Annexure II to the statement, and requested the Tribunal to make a consent award in terms of that settlement.

3. There is another Reference in respect of the Class III workmen of the Reserve Bank of India entrusted to this Tribunal constituted as the National Industrial Tribunal. It is Reference No. NTB-1 of 1979. The All India Reserve Bank Workers' Organisation, hereafter called "Organisation" is also one of the parties to that Reference. They have submitted their statement of claims in Reference No. NTB-1 of 1979 on 21st November, 1979. On 14th March, 1980 they requested the Tribunal that, that statement should be considered as a statement for this Reference also because it was a composite statement of claims for Class II and Class III workmen. According to that statement the pay scales of the Personal Assistants should range between Rs. 1,475 to Rs. 2,375 with no efficiency bar and the pay scales of Personal Assistant to Governor and those in the higher cadre of Personal Assistant should range between Rs. 1,650 to Rs. 2,625 with no efficiency bar. On the same day they filed a petition requesting the Tribunal not to make the consent award as desired by the Association and the Reserve Bank of India. Under the settlement arrived at between the Association and the Bank, Personal Assistant who are in Class II are to be raised to the level of Staff Officers in Grade 'A' and designated as Private Secretaries Grade II. It is a separate and distinct cadre. One of the conditions is to see that they are allotted duties of supervisory nature. This would necessarily result in delinking them from the mainstream of workmen. They would become Officers, and therefore thereafter they would not be covered by the definition of a workman as given in the Industrial Disputes Act, 1947. The Organisation objects to the giving of the higher status to the Personal Assistants.

4. Although the main Reference has 35 items corresponding to the items in the other Reference dated 16th/18th June, 1979, NTB-1 of 1979, there is no dispute that Class II workmen, the Personal Assistant are promoted from Stenographers. There is no dispute that their total sanctioned strength all over India is 44. The majority of them are stationed in Bombay, quite a few only, about 10 are stationed elsewhere. It is also made clear by the Bank that on 31st March, 1980 the actual working strength is against the sanctioned strength of 44 is 41 Personal Assistants 110 of whom are temporary. They appear to be members either of the Association or of the Organisation. There were rival claims whether a majority of them is with the Association or with the Organisation, but one thing looks clear that between them two they are effectively representing all the Personal Assistants.

5. Since the Reference thus related to a small number of employees and since prima facie those were persons doing some type of responsible/confidential work, raising them to the status of Officers with corresponding advantage of the rise in salary, was a tempting proposition and hence I held discussions with the concerned parties. The Organisation appeared reluctant to take the advantage of the Personal Assistants becoming Officers Grade 'A' because as Class II workmen they were entitled to Dearness Allowance on a different scale and what is more they were also entitled to overtime allowance. However, as the discussion proceeded it was plain that the overtime allowance depended upon a particular Officer to whom a Personal Assistant was attached, sitting late hours or extracting work from after office hours. Many of the Personal Assistants working outside Bombay were not getting overtime allowance on a large scale. Intrinsically getting overtime was an uncertain factor and since the avowed policy of management is and should be to discourage overtime work and overtime allowance, I asked the Organisation to study the merits of the proposal to make them Officers. I had made it clear that the settlement which is before me may not be adhered to in toto; if necessary it

would be improved upon, but the proposal to become Officers should be considered in the ultimate interests of the concerned employees. I must mention with appreciation that the representatives of both the Association and the Reserve Bank of India wholeheartedly co-operated saying that if the problem could be solved by such discussion, they will not insist upon getting an award in terms of the settlement produced by them. I am glad to find that as a result of this approach parties came nearer and with some adjustments I am able to reshape the settlement keeping the central idea as it is, but getting some clarifications and introducing some improvement. I then give it as my award with full concurrence of the parties before me.

6. Subsequent to the settlement between the Association and the Bank dated 28th September, 1979 in which the Personal Assistants were conceived as becoming Officers, the grades of Officers were revised with effect from 1st October, 1979, as per Bank's Administrative Circular No. 14 of 1st February, 1980. As a result of that revision, the scales of pay as appearing in the settlement not only undergo change but the Officers going to the higher grades have been made eligible for certain personal allowances with the equitable view of seeing that they do not suffer loss in comparison with their previous emoluments. Certainly that advantage should also go over to the Personal Assistants becoming Officers. Now under the settlement when Personal Assistants were fitted in Officers Grade 'A', they were granted some non-adjustable personal allowance, apparently with the desire that there should be no disparity in actual pay packet. The settlement is silent whether the non-adjustable allowance would be available upto a particular period or till the employees remain in the converted Officers Grade 'A'. It was also not clear from the settlement as to what type of supervisory duties would be given to the Personal Assistants after becoming Officers. There was a lot of discussion whether when the Personal Assistants become Officers and are therefore entitled to the higher House Rent Allowance they would be actually losers because House Rent Allowance was deductible towards the higher rent but the Personal Assistants who had occupied the quarters were in all probabilities not to change the quarters. It was demonstrated to me that by reason of it there was a net loss. I, however, fail to appreciate this argument in principle because it involves the unwanted situation that a person moving to the Officers grade is able to retain the lower type of accommodation, thereby depriving himself of the higher type of accommodation to which he is entitled and at once depriving some other person in the lower cadre from claiming the accommodation in the pool to which he would have been entitled had the person becoming an Officer actually changed the quarters. Apart from it, this element of House Rent Allowance is to be appreciated when a person is not provided with quarters and with the person to whom quarters are provided, it is the equitable adjustment for occupation and not the payment back of House Rent Allowance.

7. Paragraph 4 of the settlement relates to the protection by way of a suitable personal allowance to be granted in the event of the existing total emoluments at any stage becoming less at the time of the fitment. As per the terms of the agreement this allowance would be subject to adjustments on account of future accretions in the total emoluments. But, a question was raised whether Provident Fund contribution will be granted on revised substantive pay of the Stenographer, in the case of officiating Personal Assistants. The Bank, by giving a further submission on this behalf has stated that cases may arise where the substantive pay on the revised scale of Stenographers officiating as Personal Assistants would be more than the pay in the unrevised officiating grade needing protection of pay for the purposes of Provident Fund contribution during the period from 1st September 1978 to 30th September 1979, that such protection to the aforesaid extent would be allowed.

8. In this manner, the discussion proceeded on the basis of accepting the proposal to become Officers, doing away with the uncertain element of receiving overtime allowance getting clarifications on the points of additional duties the period of availability of non-adjustable allowance the nature and expectant of this personal allowance referred to in paragraph 4 of the settlement as well as securing some more benefit in comparison with the benefit embodied in the 2(p) settlement between the Association and the Bank. With

the goodwill of the parties concerned I am able to give the award disposing of the entire reference. Consequently, the application for award in terms of 2(p) settlement binding all the employees including the employees who are not the members of the Association stands withdrawn and I proceed to discuss the other changes.

9. The Reserve Bank of India has given its further submissions on 4th of November, 1980 in the light of the discussion. The list of duties to be performed by the Private Secretaries Grade 'A' are as shown in the statement. There is also the fitment formula in terms effective upto the 30th September 1979, and effective on and from 1st October 1979. There is also the clarification that the adjustment allowance will be available as long as the incumbents remain as Officer grade 'A'. The non-adjustable personal allowance (other than the adjustment allowance) given to the Officers in the revised cadre will also be paid as long as the incumbents continue in Officer grade 'A'. It is however restricted to those Personal Assistants who are in service on 28th September, 1979 and are upgraded as Officer Grade 'A'.

10. In deference to my request to grant some further benefit, the Bank has agreed for giving an allowance mostly in consideration of the indeterminate overtime which the Personal Assistants were likely to lose. The Bank has informed that the same could be called a special allowance and it will be at the rate of Rs. 60 per mensem. These changes which are in effect the outcome of the discussion are acceptable to both the Association and the Organisation. The Organisation however desires for a further rise in the pay packet and suggested that the additional element of special allowance should be more than Rs. 60. I have given my anxious considerations to the fluctuating and uncertain overtime allowance which is received more by persons stationed in Bombay. I have also taken into consideration the argument of the Bank that Officers in Grade 'C' and above doing some special duties are given such allowance at the rate of Rs. 100 per month. Security Officers in the higher grade 'B' are entitled to a similar allowance at the rate of Rs. 50 per month and as such it was not equitable to raise the figure of Rs. 60. I wish the Bank was in a position to raise this figure to Rs. 70 not only in case of those now converted from Personal Assistants to the Class of Officers Grade 'A', but even in the case of those who are earlier entitled to a similar allowance of Rs. 50 per month. But on the material which is at my command at present, I do not desire to put the Bank to the inconvenience of balancing their budget without knowing the full repercussions of the rise and hence in the circumstances of the case I think the offer of Rs. 60 per mensem as special allowance is acceptable.

11. That therefore ends the discussion on the merits of the changes introduced. The Reference however has to be treated on the basis of the 35 items referred to in the schedule (quoted above). Since the Personal Assistants now become Officers in the present set up of the Industrial Disputes Act, they would not be governed by that Act. But, I understand that the Officers of the Reserve Bank of India are governed by the Reserve Bank of India (Staff) Regulations, 1948 and many items out of 35 listed in the schedule are taken care of by the existing set up. Item No. 1 of the schedule, scales of pay gets automatically decided by adopting the scales of Officers Grade 'A' with the changes noted. Item no. 2, 'Dearness Allowance' is taken care of by the provisions meant for officers Grade 'A'. Similar is the case in relation to items no. 5, 'Family Allowance', no. 6 'House Rent Allowance', no. 7 'Travelling Allowance', no. 9 'Officiating allowance', no. 11 'Confirmation', no. 12 'Promotion', no. 13 'Procedure for termination of employment', no. 14 'Age of superannuation', no. 15 'Superannuation benefits', no. 16 'Leavetype quantum', no. 17 'Leave Fare Concession', no. 18 'Medical facilities', no. 20 'Welfare facilities', no. 23 'Housing loan and festival advance', no. 26 'Rates of interest on housing loans' and no. 27 'Grievance procedure'.

12. As regards item no. 3, even with the small class of 44 Personal Assistants there was no question of categorisation. The item appears to have been copied mutatis mutandis from the schedule of the Reference relating to Class III workmen. As regards item no. 4 'Special pay', it is not granted. The question of stagnation increment and advance increment etc. does not arise.

13. Item no. 10 is relating to Shift allowance. The Personal Assistants never had any shift. The item no. 21, 22 and 24 are actually items relating to Cash Department and have no connection with the persons in the present Reference are concerned. Similarly, so far as item no. 29 to 32 in the circumstances of the case they need not be considered. Similar is the case with item no. 25 referring to the applicability of the Staff Regulations. All Officers are governed by the Staff Regulations.

14. Item no. 8 'Extra wages for overtime work' is taken care by the special allowance. Item no. 19 is regarding 'Grain shop facilities'. The same does not survive as such facilities are not extended to the Officers. Item no. 28 relates to the 'machinery for resolving disputes'. No question of internal machinery under the Industrial Disputes Act would arise, as the Personal Assistants have become officers. I am, however, told that even for the Officers of the Reserve Bank of India there is a joint consultative machinery dealing with individual and collective disputes and the Personal Assistants when converted to Officers would be entitled to take advantage of it.

15. Item no. 33, interim relief now becomes superfluous. So far as item no. 35 "date of effect of the Award of the National Tribunal", it has to be observed that the changes are retrospectively operative from 1st September, 1978. The Award would therefore commence operating with this clause right from the date of its publication.

16. At the time of discussion it was represented to me that since the award is operative retrospectively certain persons who have received overtime payment may on the strict construction of the award have to refund the amount received in excess of the monthly allowance of Rs. 60. I am in agreement with the sentiments of the representatives of the workers that there should be no such recovery and hence I direct that on the application of the award the Bank do not recover overtime payment already made in excess of Rs. 60 per month.

17. I was also told that perhaps certain case of hardship may also arise on the application of the award and there may be representations individually made by the affected employees for some concessional treatment. I am sure that the Bank will consider such representations sympathetically.

18. In view of the above judgement, the following order is passed :—

ORDER

(i) Personal Assistants, who are at present classified as Class II workmen, will be classified as Officers in Grade 'A' and designated as Private Secretaries Grade 'A'/II and form a separate and distinct cadre.

(ii) The duties of a supervisory nature to be allotted to these Private Secretaries who would no longer be considered to be workmen for the purposes of the Industrial Disputes Act, 1947 would be as follows :—

List of Duties :—

Private Secretaries Grade 'A' will be required to perform the following duties, namely :—

- (a) Duties previously performed by Personal Assistant.
- (b) Weeding out of important papers from the records under his custody or the custody of the Officer-in-Charge before the same are destroyed as provided in the Banking Department Manual.
- (c) Processing of leave applications of Stenographers/Typists for submission to the sanctioning authority and suggesting substitute arrangements in respect of Stenographers.
- (d) Recording of Confidential Reports on Stenographers/Typists assisting him in the discharge of his duties as Private Secretary Grade 'A'.
- (e) Keeping track of pending lists of Sections/Departments under the charge of Officer to whom he is attached.
- (f) Scrutiny and processing of bills for purchase of/repairs to typewriter machines before the same are sent for purchase orders.

- (g) Scrutiny of monthly indents of stationery submitted for the typists' pools, processing of quotations of stationery, etc.
- (h) Verification of articles of stationery/deadstock/dispensary stock, as and when desired to be done.
- (i) Any other item which the Officer-in-Charge may decide.

(iii) (a) The pay of the Personal Assistants classified as Officers in Grade 'A' will be refixed as on 31st August, 1978. While fixing their pay on promotion as Officers in Grade 'A', Personal Assistants who are in service as on 28th September, 1979 and are drawing pay from Rs. 830 onwards in the existing scale of Personal Assistants would be granted a non-adjustable personal allowance on a graded scale and this allowance would be attached to the respective stage of pay in the scale of Officers in Grade 'A' from Rs. 1050 onwards as shown in the table hereto.

(iii) (b) Consequent upon the revision of scales of pay and allowances available to Officers in Grade 'A' as and from 1st October 1979, the scales of pay and the adjustment allowance would be as in the following table :—

Stage of pay in the existing scale of pay of personal assistants.	On fixation in the pay in the scale of Grade 'A' upto 30th Sept., 1979	in the stage of pay from 1st October, 1979	Quantum of non-adjustable personal allowance	Adjustment
1	2	3	4	5
Rs.	Rs.	Rs.	Rs.	Rs.
830	1050	1800	+40	50
870	1100	1300	+10	75
910	1150	1800	+65	100
950	1150	1800	+65	125

(iv) The adjustment allowance will be available as long as the incumbent remains as an Officer in Grade 'A'.

(v) The quantum of non-adjustable personal allowance will be available to the existing Personal Assistants as on 28th September 1979, who will be re-designated as Officer in Grade 'A', so long as they continue to be Officers in Grade 'A'.

(vi) In addition to the non-adjustable personal allowance, where the substantive pay on the revised scale of Stenographers officiating as Personal Assistants would be more than the pay in the unrevised officiating grade and therefore in the event of the existing total emoluments of the Personal Assistants on the stages shown in the tables or at any other stage becoming less, they will be granted a suitable personal allowance to equalise their emoluments. That personal allowance would be subject to adjustments on account of future accretions in their total emoluments. Besides, where the substantive pay as Stenographer would be more than the pay in the officiating grade as Personal Assistants the employee concerned would be allowed to subscribe to the Provident Fund on the basis of his revised substantive pay. The protection so granted will be during the period from 1st September 1978 to 30th September 1979, only.

(vi) The Personal Assistants who will be classified as Staff Officers Grade 'A' and designated as Private Secretaries Grade 'A' with effect from 1st September, 1978 will be eligible to draw a special allowance at the rate of Rs. 60 per mensem, so long as they remain as Officers in Grade 'A'.

My award therefore is made accordingly.

Sd/-

C. T. DIGHE, Presiding Officer.
[No. L-12025/21/79-D.II(A)]

New Delhi, the 12th December, 1980

S.O. 3601.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the C. G. Industrial

Tribunal, No. 1, Bombay in the industrial dispute between the employers in relation to the management of Dena Bank, Madras and their workman which was received by the Central Government on the 25th November, 1980.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Justice C. T. Dighe Esqr., B.A. (Hons.), LL.M., Presiding Officer.

Reference No. CGIT 6 of 1980

PARTIES :

Employers in relation to the Dena Bank, Madras

AND

Their Workmen

APPEARANCES :

For the Employers—Mr. K. G. Rajguru, Officer Dena Bank.

For the Workman—Mr. M. M. Pednekar, General Secretary Dena Bank Staff Union.

INDUSTRY : Banking. STATE : Maharashtra.
Bombay, the 18th November, 1980

AWARD

The Government of India, Ministry of Labour by order No. L-12012/173/79-D.II.A. dated 7th October, 1980, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, have referred to this Tribunal for adjudication an industrial dispute between the Employers in relation to the Dena Bank and their workman in respect of the matters specified in the schedule mentioned below :—

SCHEDULE

"Whether the action of the management of Dena Bank in relation to their branch at Ponda, Goa in terminating the services of Shri Vinayak B. Gaude, Sepoy with effect from 31st January, 1979 is justified? If not, to what relief is the workman concerned entitled?"

2. After service of notices it was gathered that the concerned Peon was taken up in service and the dispute was settled amicably. Both the parties appeared before me today. The representative for the Peon has stated that he does not wish to proceed with the matter. The management has also confirmed the fact that the Peon has been again taken up in service from 3rd March, 1980. It is also intimated to me that the services rendered by the Peon before his termination will be counted towards reducing his probationary period.

3. In view of these circumstances, no further hearing is necessary and the Reference is treated as closed.

C. T. DIGHE, Presiding Officer

[No. L-12012/173/79-D.II.A]

S. K. BISWAS, Desk Officer

New Delhi, the 9th December, 1980

S.O. 3602.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Calcutta, in the industrial dispute between the employers in relation to the management of Dishergarh Area of Eastern Coalfields Limited, Post Office Sitarampur, District Burdwan and their workmen, which was received by the Central Government on the 2nd December, 1980.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA**

PRESENT

Mr Justice R Bhattacharya, M A, B L,—Presiding Officer

Reference No 74 of 1980

PARTIES

Employers in relation to the management of Dishergarh
Area of Eastern Coalfields Limited

AND

Their Workmen

APPEARANCES

On behalf of Employers—Absent

On behalf of Workmen—Absent

State · West Bengal

Industry Coal

AWARD

This is a reference under Section 10 of the Industrial Disputes Act, 1947 sent to this Tribunal by the Central Government by Order No L 19011(7)/79-D IV(B) dated 8th September, 1980 for adjudication of an industrial dispute between the employers in relation to the management of Dishergarh Area of Eastern Coal Fields Ltd, P O Sitarampur, District Burdwan and their workmen. The issue for decision has been framed in the following words —

“Whether the demand of the Overmen of Dishergarh Area of Eastern Coalfields Limited for payment of “charge allowance” for handing and taking over of charge in consideration of their duties and responsibilities as laid-down in Regulation 43 of Coal Mines Regulations, 1957, is justified? If so, to what relief are the concerned workmen entitled?”

2 It appears that copy of the Order of the Central Government referred to above was sent to the General Manager, Dishergarh Area of Eastern Coalfields Limited and also to the General Secretary, Indian National Mines Overman, Sirdar and Shotfirers Association, C/o Laikdi Deep Colliery, P O Chirgunda, District Dhanbad (Bihar), representing the workmen by registered post. This Tribunal after receipt of the reference sent notice under registered post with acknowledgement due asking both the parties to submit their written statements within 15 days of the receipt of the said notice. The parties were also informed that the case would be put up for order on 25th November, 1980. According to the acknowledgement receipts the notice to the General Manager of the Dishergarh Area of Eastern Coalfields Limited was received on 30 September, 1980. The General Secretary of the Indian National Mines Overman, Sirdar and Shotfirers Association received notice on 30 September, 1980.

3 Today is fixed for orders. In spite of service of notice the parties to the dispute have not filed their respective claims or written statements regarding the dispute. Up to this date no step has been taken by the parties in this behalf. In the absence of the written statement, there is nothing to be heard about the dispute referred to this Tribunal. In the circumstances no date for hearing need be fixed. In the absence of the parties and their written statements, I presume that at present there is no dispute between the parties.

Accordingly I pass a “No dispute” award.

Dated

Calcutta, the 25th November, 1980

R BHATTACHARYA, Presiding Officer
[No L-19011/7/79-D IV(B)]

S.O. 3603—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of North Chirimiri Colliery, District Surguja (Madhya Pradesh) and their workmen, which was received by the Central Government on the 3rd December, 1980.

**BEFORE SHRI A G QUREGHI, M A, B L, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (UM-1) LABOUR COURT, JABALPUR (M P)**

Case No CGIT/LC(40) 1979

PARTIES

Employers in relation to the management of North
Chirimiri Colliery, District Surguja (M P) and their
workmen represented through the Secretary Khan
Mazdoor Parishad (CITU), North Chirimiri Colliery,
P O Calhapani, District Surguja, Madhya Pradesh

APPEARANCES

For Union—Shri L N Malhotra, Advocate

For Management—Shri P S Nair, Advocate

Industry Coal

District Surguja (M P)

AWARD

Dated November 25, 1980

In exercise of the powers conferred on it the Government of India in the Ministry of Labour has referred the following dispute under Sec 10 (1)(d) of the Industrial Disputes Act 1947 to this Tribunal for adjudication, vide its Order No 1 22011(2)/79 D IV(B) dated 29th December, 1979 —

“Whether the management of North Chirimiri Colliery, District Surguja (Madhya Pradesh), is justified in taking the following extra work from the loaders cum dressers of the colliery —

- (a) Unloading of Clay cartridges from incoming tubs from the surface and stacking at convenient places
- (b) Helping the Shotfirers/explosives carriers incharge in connecting the wire and packing the holes with clay cartridges
- (c) Breaking of big lumps of coal after blasting
- (d) Packing and stacking of stone/shales after blasting
- (e) Helping the drillers for making holes
- (f) Pushing of loaded tubs from working place to main line

If not, to what relief are the concerned workmen entitled?”

2 The case of the Union is that the workmen concerned are employed as loaders cum-dressers in North Chirimiri Colliery. Their job is only for loading and dressing, but they are made to unload clay cartridges from incoming tubs from the surface and stacking at different places, helping the Shotfirers in connecting the wires and packing of holes with clay cartridges, breaking of big lumps of coal after blasting, packing and stacking of stone/shales after blasting, helping the drillers for making holes, pushing of loaded tubs from working place to main line. All the aforesaid jobs are not included in their duties but the management compels the workmen to do these jobs which adversely affect the income of the workmen concerned as their job is piece rated job.

3 The management has resisted the claim of the Union on the grounds that the loaders are also employed as dressers and in the North Chirimiri Colliery there are posts of loaders-cum-dressers. As big lumps are not convenient for loading the loaders break the big lumps for their own convenience and to facilitate early shavelling and loading. Breaking of big coal lumps is the duty of dressers cum loaders. As regards the other works the management has categorically denied that it is taking any other work as alleged by the Union of the loaders-cum-dressers.

The management also raised certain legal objections about the competency of the reference but the objections were not seriously pressed at the time of the arguments.

4 From the above pleadings it is unconroverted that the job of unloading of clay cartridges from incoming tubs from the surface and stacking them at the convenient places, helping the Shotfirers/Explosive Carriers incharge in connecting the wires and packing of holes in clay cartridges, pack

ing and stacking stones/shales after blasting, helping the drillers for making holes, pushing of loaded tubs from working place to main are not part of duties of the loaders-cum-dressers.

1. The witness of the Union, Shri Hazrodi although states that they are doing all the aforesaid jobs but the witness of the management Shri Sachdeva who is Manager of the North Chirimiri Colliery states that the dressers-cum-loaders are not doing any job of unloading clay cartridges and stacking them. They do not help the Short firers and they do not do packing and loading of stone/shales after blasting. They also do not help the drillers for making holes and do not push the loaded tubs from working place to main line. In cross-examination also this witness states that all the works mentioned in the order of reference except at no. C is not a part of duties of loaders-cum-dressers. The management does not take that work from the workers and also does not want to take that work in future.

6. In view of the aforesaid uncontroverted position as has emerged from the evidence of both the parties it is held that unloading of clay cartridges from incoming tubs from surface and stacking them, helping short firers/explosive carriers in connecting the wire and packing the wholes, packing and stacking of stone/shales after blasting, helping the drillers for making holes and pushing of loaded tubs from working place to main line is not a part of the duty of the loaders-cum-dressers and if the management at all at any time wants to take the aforesaid work from the dressers-cum-loaders it shall not be entitled to do so.

7. In view of the aforesaid finding we are left only with one question whether the breaking of big lumps of coal after blasting is a part of the duty of the dressers-cum-loaders.

On this point the witness of the management has stated that breaking of big lumps of coal after blasting is not the job of dressers-cum-loaders. In cross-examination this witness admits that while dressing the roofs we have to break the lumps. Similarly while dressing lumps from the floor and wall the dressers have also to break those lumps. When the coal is in big lumps we break it into smaller pieces so that it may be conveniently filled in the tub. From the evidence of this witness itself it is clear that the job of dressing involves the breaking of lumps and when the coal is in big lumps its breaking becomes necessary for making it convenient for loading it in the tubs.

8. The witness of the management Shri Sachdeva, Manager of the Colliery, states that breaking of big lumps of coal after blasting is a part of the duties of dressers-cum-loaders and the workmen are actually asked to do these work whenever it is required. After blasting generally big lumps are not formed but if the blasting is not proper and is not effective once in a while big lumps are formed which naturally have to be dressed by the dressers-cum-loaders. To ensure safety the dressers are employed to remove the lumps of coal on the

roofs, floors and walls. The dressers are also loaders and if they are allowed to load and carry big lumps in the basket as their shoulder load it is likely to fall down on their bodies and injure them. Therefore from the aforesaid point of view also it is the essential duty of the dressers to break lumps and load them in the baskets as it is convenient for them to carry smaller pieces of lumps than the bigger pieces. This job is being performed by the dressers-cum-loaders since their employment. In other mines the dressers and loaders are engaged separately. Loader is a piece rated job and dresser is a time rated job. In our mine the loaders are also dressers and in addition to their loading work they are paid separately for the dressing job according to Agreement Ex. W.M.1. In cross-examination this witness again reiterates that breaking of lumps is a job of dresser according to Wage Board recommendations.

9. From the aforesaid evidence of the management and the Union it appears that in the North Chirimiri Colliery the same person is appointed as loader and dresser and before loading the tubs, he also does the job dressing. While dressing he breaks the lumps after blasting from the roofs, walls and floors and whenever there is a big lump of coal which cannot be conveniently filled in a basket or carried in a basket safely then he breaks that lump into smaller pieces to make it convenient and safe for loading. A perusal of Ex. M/1 reveals that according to the agreement the management pays separate wages to the loader-cum-dressers for their job of loading and dressing. Therefore in my view there is a justification in the averment of the management that the job of dresser includes the breaking of the big lumps of coal into smaller ones to facilitate their loading in the tubs and carrying basket on shoulder. There is no separate category of lump breakers in the Coal Wage Board recommendations also and the word "dressing" would include the job of breaking the lumps of the coal may be on walls, floors or roofs.

10. In the result, it is held that the management of the North Chirimiri Colliery, District Surguja is not entitled to take the work of unloading of clay cartridges from incoming tubs from the surface and stacking at convenient places, helping the short firers/explosive carriers in connecting wires and packing the holes of the clay cartridges, packing and stacking of stones/shales after blasting, helping the drillers for making holes and pushing of loaded tubs from working place to main line, from the loaders-cum-dressers of the colliery and if the management asks the loaders-cum-dressers of the colliery to do the aforesaid work it is not justified in doing so. However, the job of breaking big lumps of coal after blasting is essentially a part of the duty of the dressers and the management is justified in taking the work of breaking the big lumps of coal after blasting from the loaders-cum-dressers. The management shall pay Rs. 100 as costs to the Union. An award is given accordingly.

Dated 25-11-1980.

A. G. QURESHI, Presiding Officer
[No. L-22011/2/79-D.IV.B]
S. S. MEHTA, Desk Officer

